



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Programme of Reviews of Local Authorities' Systems and Procedures in the Performance of Planning Functions

Review of Waterford City & County Council under section 31AS of the Planning and Development Act 2000, as amended Review Report

September 2023



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Waterford City & County Council

1. Introduction

Background

Chapter IV ('Review of Planning Functions') of Part IIB of the Planning & Development Act 2000, as amended, ('the Act'), in particular section 31AS of the Act, gives the OPR the discretion to conduct reviews of the systems and procedures used by local authorities to deliver their planning functions. These provisions give a basis for the overseeing of the delivery of planning services to the public and to ensure the integrity of the institutional arrangements behind the national planning system.

As committed to within our Strategy Statement 2019-2024, the OPR is conducting local authority planning reviews on the basis of a rolling programme, whereby each authority will in turn benefit from having the Office look at how it delivers its planning services. This allows the OPR to monitor the general performance of the local authority planning sector and to identify areas for improvement and shared learning across all 31 local authorities.

It is important to stress that an OPR review is improvement-focused, designed to complement and add value to the local authority's own performance and improvement plans. The programme is intended as a developmental resource for the planning system, with recommendations arising from the process that are designed to enhance the delivery of services to the public. The overall intention is to embed a culture of continuous improvement in the Irish planning sector.

Scope

Reviews are conducted in accordance with section 31AS of the Act and on this basis the emphasis is on the systems and procedures being used by a local authority to deliver its planning functions. In this regard the review process is concerned with current operations rather than focussing on historical matters.

This general review of Waterford City & County Council's planning functions is the fifth to be conducted as part of the OPR's programme of local authority reviews. Previous reviews were of Kildare, Louth and Tipperary County Councils and Galway City Council.

In terms of the overall progression of the programme, Waterford City & County Council was considered as a very suitable next authority to be selected, giving further balance to the regional spread of authorities already reviewed but also adding further perspective of the challenges faced by authorities with rural and metropolitan settings. A further context is Waterford's position as a recently merged authority following the 2014 amalgamation of the City and County Council. Another fundamental characteristic of this review is Waterford's setting as the principal urban settlement and regional driver of the south-east of the country.

While the findings of this review draw upon knowledge available to the OPR in the delivery of our broad statutory remit as well as published statistics, this report principally reflects the information presented by Waterford City & County Council to the OPR during the review process.



Waterford City Quay¹

Process

The undertaking of any individual review is a comprehensive process, involving significant processes of information gathering, analysis and engagement with planning officials to fully appraise the systems and procedures used to deliver planning functions. Consequently, any OPR review takes a degree of time.

The initial stages of this review were conducted in the middle of 2022, however the process was paused over the second half of 2022 to facilitate wider and urgent review work arising in relation to An Bord Pleanála at that time. As a consequence, the Waterford review process was resumed later in 2023.

The OPR wishes to thank Waterford City & County Council and its planning department, which made a significant effort to engage with the Office during the initial phases of the review but had to await receipt of the draft review report.

It is also of note that this was the first OPR review to be conducted entirely outside of the public health measures associated with the Covid-19 pandemic. The absence of restrictions allowed for the conduct of a series of workshop-style meetings in the Council's offices with senior management and staff across the planning department. In this regard, meeting officials in their workplace in a face-to-face capacity facilitated engagement that prevailed throughout the review process.

¹ Photographs are copyright of Waterford City & County Council; permission for use in the report is courtesy of WCCC.

Ratings and recommendations

The reviews programme does not set out to create a league table of local authorities with regard to performance. Nevertheless, for any review to be meaningful and to give authorities a benchmark with regard to improving services, the OPR will apply a rating in relation to the performance of key operational processes in planning service delivery. The ratings are defined as follows:

- **Highly effective:** alongside robust systems and procedures, the Council demonstrates a commitment to continued improvement and innovation, and resources are used to proactively enhance service delivery. Aspects of the Council's performance represent practice that could be an example to other authorities.
- **Effective:** systems and procedures are considered adequately robust to effectively deliver statutory functions on an ongoing basis and to meet key business objectives.
- **Some Improvement Needed:** while the function is generally being delivered effectively, procedural weaknesses are noted which, in the absence of improved controls, could lead to a failure to deliver services appropriately.
- **Unsatisfactory:** insufficient evidence of an appropriate standard operating procedure in place, thereby creating an unacceptable weakness with regard to ability to adequately deliver the statutory function.

Regardless of the rating applied, recommendations may be made as part of the review indicating how systems for delivering operational process could be improved or how current standards may be maintained. A collated list of recommendations made in this report is provided in Appendix 1. These recommendations are also graded by the level of priority that should be assigned to them by the Council, as follows:

- **Critical:** immediate implementation of the recommendation is required to resolve a critical weakness which may be impacting the delivery of statutory functions.
- **High:** the recommendation should be addressed urgently to ensure that the identified weakness does not lead to a failure to deliver on statutory requirements.
- **Medium:** the recommendation should be considered in the short-term with a view to enhancing the effectiveness of service delivery.
- **Low:** the recommendation relates to an improvement which would address a minor weakness and should be addressed over time.
- **Advisory:** the recommendation does not have a serious impact for internal systems and procedures but could have a moderate impact upon operational performance. Accordingly, the recommendation should be considered for implementation on a self-assessed basis.

2. Overview of Key Findings

In an overall sense the review process found that the Waterford City & County Council's planning department is delivering its key statutory functions on an effective basis, and within the expected range of national performance trends. In this regard, almost 1,000 planning applications are being processed annually, the Council has leveraged record funding for regeneration projects, while a new development plan was adopted in 2022 after extensive engagement with the public and elected members.

A range of complexities must be managed to deliver planning services in Waterford. On one hand much of the county is rural and high amenity in character, necessitating a sustainable and prudent approach to managing development in the countryside, protecting and strengthening the rural economy, while at the same time supporting and renewing distinctive towns and villages, some of which are experiencing depopulation. On the other hand, as the primary urban centre in the southeast, Waterford City requires planning at a significant and urban scale to deliver housing, commercial development and employment in line with the Government's National Planning Framework.



Copper Coast

With a staffing complement of just over 31 (full-time equivalents), and also noting that there were three vacancies at the time the review process was being conducted, it is clear that the planning department is achieving delivery of its key functions against a background of significant pressures on resources. The requirement to deliver such wide ranging duties, and progress significant caseloads within statutory timeframes, demands a high level of output from the team.

However, it must also be borne in mind that a continued scarcity of resources creates risks with regard to meeting key business objectives and delivering statutory functions on an ongoing basis. This is apparent in relation to the delivery of some of the department's wider operations, e.g. planning enforcement, which are ultimately not being given the same priority as the workloads that are driven by strict statutory delivery timeframes.

The ratings set out in this review report in relation to the various operational functions are conscious of the staffing challenges being faced by the planning department, accordingly, in many instances the recommendations made in the report acknowledge the requirement for increased resources to deliver the improvements. Recognising the complex and demanding operational environment, the first recommendation made in this report is that the planning department would conduct its own internal evaluation of its resourcing needs for the consideration of the senior management of the Council, with a view to additional resources being assigned.

It is a central finding of this review that additional capacity needs to be created within the planning department for it to continue delivering its key services successfully, to address gathering work in other areas, but also to allow Waterford City & County Council fully capitalise on the strategic opportunities that an adequately resourced planning function could deliver on. In this regard, it is expected that the case which will be made to senior management through the internal evaluation should be compelling.

Plan-led Development

It is important to be clear that the review does not make the case for additional resources for the purpose of maintaining service delivery alone, it must also be recognised that delivering on Waterford's intended role as a regional driver for the south-east must be facilitated through a strengthened planning department. Waterford is a key asset for Ireland in terms of its location, ability to compete nationally and internationally along with capacity to grow and rebalance some of the prevailing development trends of recent decades.

The expected population increase of 50% in the metropolitan area by 2040 poses opportunities for Waterford City & County Council on a scale that has not been considered before. It is crucial that the planning system plays a role in facilitating that development while realising the opportunities to create sustainable communities and ultimately drive economic growth. The Council's planning department needs to be positioned to be proactive in this regard, rather than as currently resourced to primarily respond to customer-driven demands in relation to planning applications.

This review found the Council to generally have effective systems and procedures in place in the delivery of its forward planning function, which is important in terms of ensuring that development is plan-led. However, the availability of appropriate resources to ensure the local authority continues to effectively deliver its forward planning function will be key. Over the coming period, a key forward planning task will be ensuring the implementation and monitoring of the development plan objectives. In this regard, it will be important that the Council places an appropriate strategic emphasis on overseeing plan-led development opportunities.

Furthermore, to actively facilitate and bring forward the vision identified for Waterford in the Metropolitan Area Strategic Plan (MASP), and to secure 50% of all new housing within the existing urban footprint of Waterford city, significant coordination across all local authority functions is required. The planning department must play a critical role in this, particularly through utilising the Vacant Site and Derelict Sites Registers, coordinating the delivery of infrastructure and ensuring that land activation will deliver compact and sustainable growth to enable Waterford to become a regional city of scale.

Through the preparation of recently approved largescale projects, the Council has proven that it can step-up to coordinate strategically integrated development projects. This momentum needs to be built on to further deliver on the opportunities that are presenting for Waterford over the coming period.

Managing for Sustainable Development

For any local authority, managing for sustainable development is primarily about ensuring that all aspects of decision-making are in accordance with the overall economic, social and environmental objectives of the relevant statutory plans, while also being in line with wider national and international obligations.

As noted above, the Council is presented with a range of planning scenarios, some of which are more complex in nature than in other local authority areas. Higher levels of complexity require access to greater levels of expertise to inform decision-making in the context of interfacing social, economic and environmental factors.

In this respect, this review found the Council to have generally effective procedures in place to facilitate consistent decision-making across the various development management functions. The Council's satisfactory performance in this regard is further illustrated through its planning application output statistics which are broadly in line with national trends.

The review process recognised the challenges faced in proactively pursuing the Council's planning enforcement function in recent years due to the limited resources available to the overall planning department. Similarly, the necessary prioritisation of day-to-day development management caseloads have impacted the department's capacity to utilise the tools available to address vacancy and dereliction. It is important that the department is provided with the required capacity, to not just manage development, but, to also promote sustainable development opportunities.

Delivering Quality Planning Services

Delivering quality services is not just about the customer experience, in terms of satisfaction and good communication, but also the standards that are achieved by the planning department in terms of efficiency in handling applications, transparency of processes, consistency of decisions etc.

As is the case for any local authority, Waterford City & County Council's planning department operates in a complex and demanding environment. Over the past number of years, the Council has faced an increasing number of planning applications, frequently large in scale and complex in terms of assessment. The review process has determined that the Council's development management function, the planning department's primary public service, is being delivered on an effective basis with the timeliness of decision-making generally consistent with national averages and a low rate of appeal against the Council's decisions.

However, even in acknowledging these outputs, it is recognised that the limited staffing resources available to the department places a high degree of pressure on the planning teams. The ongoing provision of quality services depends on the existence of a resilient operational environment for staff, one that is supported to respond to the substantial workload and policy challenges faced without risking a reduction in service standards.

To conclude, the overarching recommendation arising from this review is that the Council's senior management would give sufficient consideration towards the planning department's longer-term resourcing needs, in cognisance of the pressures faced by the department and the crucial public services it delivers. In the first instance, taking on board the report's various findings and recommendations, this process should involve the planning department taking time to reflect on how it is organised to meet its current and future workloads and to consider the specific resources required to strengthen its strategic management capacity in order to build greater levels of operational control, organisational resilience and potential to seize the opportunities presenting.



Tramore, public realm

3. Operating Context and Organisation of the Planning Department

Overview

The planning department sits under a Director of Services with responsibility for planning, corporate, culture, human resources & information systems. The day-to-day functioning of the department is overseen by a Senior Planner who is supported by three senior executive planners, each with responsibility for a functional team area, an Administrative Officer, who oversees the administrative support team, and a Senior Executive Technician.

The activities of the planning department are funded under the Development Management heading of the Council's budget, which contained an overall allocation of almost €22 million in 2023. However, at €4.19 million, it is worth noting that expenditure on the key planning functions (i.e. development management, forward planning and enforcement) represented just 19% of this overall budget heading. Table 1 provides a breakdown of the 2023 Development Management budget allocation by service and outlines the percentage change from 2022.

Function	2023 Budget	% of 2023 Budget	% Change from 2022 Budget
Forward Planning	€1,021,814	5%	32%
Development Management	€2,450,114	11%	20%
Enforcement	€722,762	3%	44%
Tourism Development & Promotion	€1,128,030	5%	5%
Community & Enterprise Function	€5,873,471	27%	82%
Unfinished Housing Estates	€234,434	1%	-22%
Building Control	€357,238	2%	-0.3%
Economic Development & Promotion	€8,116,043	36%	9%
Property Management	€790,103	4%	8%
Heritage & Conservation Services	€1,180,631	5%	3%
Agency & Recoupable Services	€118,155	1%	2%
Total	€21,992,796	100%	24%

Table 1: Estimated expenditure / income for 2023 and 2022 outturn²

There have been significant increases in the budgets for planning functions in 2023 over 2022. There was a 44% increase in the enforcement budget, followed by a 32% increase for forward planning and 20% increase for development management (20%) functions in the 2023 budget.

² Waterford City & County Council, 'Budget 2023', With comparative and explanatory statements for the financial year ending on 31st December 2023. See pages 17-18. Source: <https://waterfordcouncil.ie/media/financial/Adopted%20Budget%202023.pdf>

The National Oversight & Audit Commission (NOAC), through its 'cost of planning' analysis,³ indicates that the Council's expenditure on planning in 2021 was €28.99 per capita.⁴ This figure is somewhat below the national average of €33.37.

Staffing Structures

At the time the review process was being conducted, the planning department was organised into four teams to deliver its functions: forward planning, operations - metro, operations - county and planning administration.

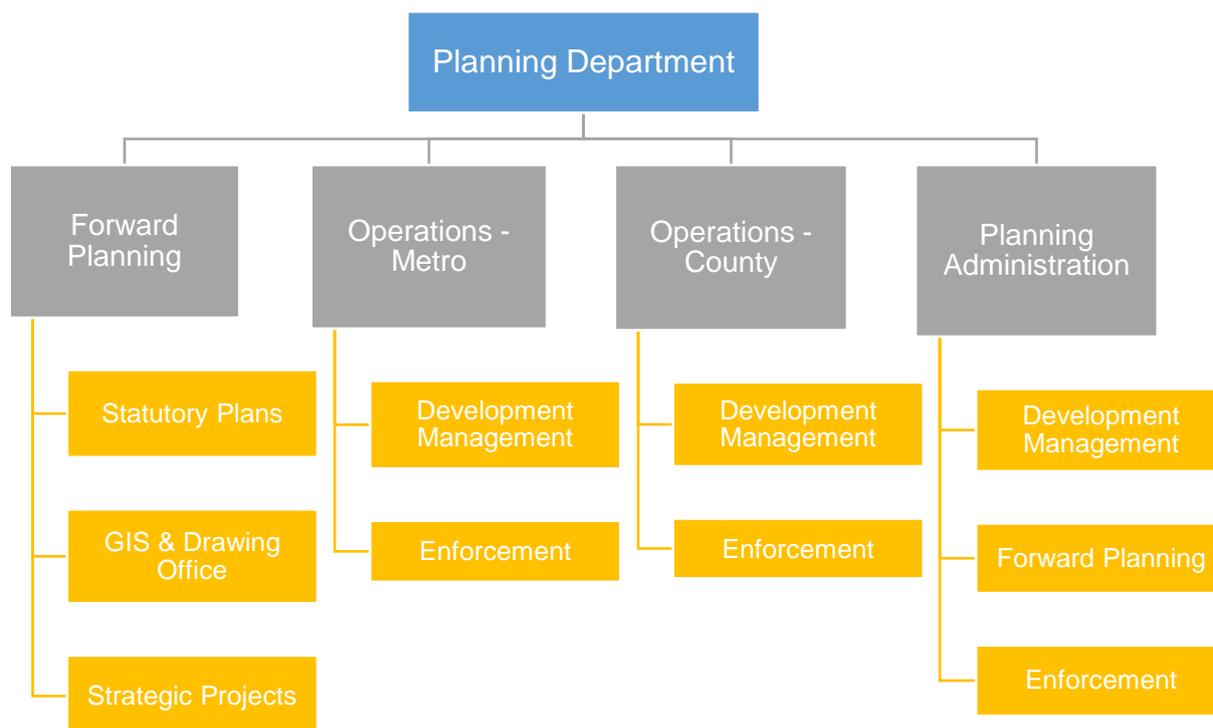


Figure 1: Planning Department teams

The planning department is also responsible for non-statutory functions, including:

- preparation of masterplans;
- implementation of strategic projects and the public realm strategy;
- working with other agencies, such as the Land Development Agency, to coordinate land within state control for redevelopment and regeneration opportunities;
- climate action initiatives; and,
- bidding for and administering grant schemes.

There were a total of 33 individually sanctioned positions within the planning department at the time the review process was being conducted. However, taking account of the various flexible working arrangements being availed of, this translated to 31.5 full-time equivalent (FTE) staff.

³ National Oversight and Audit Commission, 'Local Authority Performance Indicator Report 2021', (NOAC Report No. 50, Nov 2022). Source: <https://noac.ie/wp-content/uploads/2022/11/NOAC-PI-Report-2021-FINAL.pdf>. This includes the cost of delivering services such as forward planning, development management and enforcement -

⁴ *ibid.*, This is equivalent to approximately €3,262,222 total

Furthermore, at the time of the review being conducted, there were three unfilled positions and one temporarily vacant post resulting in a total of 27.5 filled FTE positions in the department. Table 2 details staffing numbers at the various management, administrative and specialist roles.

Staffing	Full Time Equivalents
Planners	12 (1 vacancy)
Technicians	3
Admin	14.5 approx. (3 vacancies)
Conservation	1
Heritage	1

Table 2: Sanctioned staffing positions

The Council highlighted the reliance placed on the senior planner role within the department, with the Senior Planner being responsible for oversight of all the operations and functions of the planning department. At the time of the review process, the planning department was organised as set out below:

Development Management and Planning Enforcement

Under the overall supervision of the Senior Planner, the development management and enforcement functions are carried out on a joint basis but by two separate regional teams – one for the metropolitan area and another for the county. Each of the two regional teams is led by a senior executive planner and includes two executive planners and an assistant planner. This gives a total of eight dedicated planners to the development management and enforcement functions, though one assistant planner position was vacant at the time of the review process. These two functions are supported by two technicians and by the Conservation Officer and Heritage Officer, though these two roles are shared with the forward planning function. All planning applications, planning enforcement, ‘Part 8’ proposals, and compliance matters are dealt with by these two regional teams.

Forward Planning

This function is overseen by the Senior Planner with a dedicated senior executive planner position and two executive planners. The team leads the delivery of statutory plans as well as strategic projects including the review of the Development Contribution Scheme. At the time the review process was being conducted, the team had the support of a GIS technician who was on assignment to the planning department on a temporary basis to assist with the Development Plan review and implementation process. As already noted, the forward planning function is also supported by the Conservation Officer and the Heritage Officer.

Planning Administration

There is currently no senior executive officer position in the planning department; consequently, this team is led at administrative officer level. There are approximately 14.5 FTE positions providing planning administration support, but as noted above, three positions were vacant at the time of the review.

These staff are organised around the various planning functions, with some staff taking responsibility in relation to more than one operational area, for example, while the Administrative Officer’s primary focus is development management, enforcement and forward planning operations must also be overseen. In this regard, the assignment of staff to particular functions is not rigid and staff will respond to priorities arising.

At the time of the review, the department’s planning administration resources could be considered to be shared as follows:

- over eight FTE dealing with development management (one was vacant);
- over six FTE assigned to enforcement duties (two were vacant); and,
- support as necessary being provided to the forward planning team through the Administrative Officer and an assistant staff officer.

The absence of a senior executive officer role within the planning department places further responsibility on the Senior Planner in terms of ultimate management responsibility for the day-to-day running of the department. The creation of a senior management position to oversee the operation of the planning department would clearly allow greater capacity to the Senior Planner in relation to the department’s strategic role.

The overall intended assignment of planning department staff in relation to the key statutory functions is set out below in Table 3 and Figure 2.

Staffing	FTE
Development Management	17.45
Forward Planning	5.9
Enforcement	8.15
Total	31.5

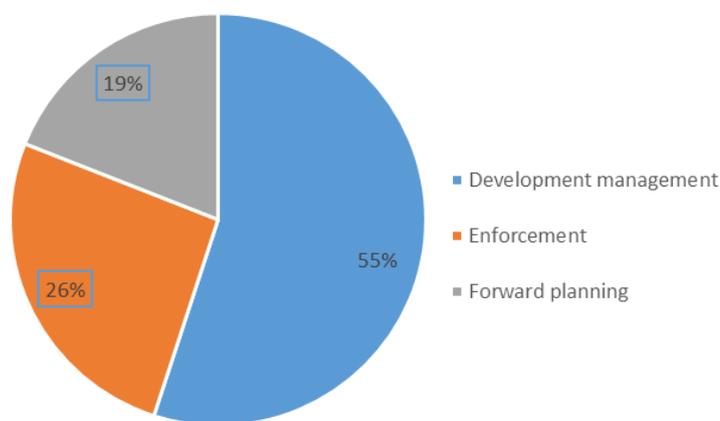


Table 3: Resourcing by function

Figure 2: Resourcing by function

The Council has a blended work policy with technical staff offered the opportunity of working two days remotely and administrative staff offered the opportunity of working one day remotely.

Business Planning and Performance Management

The planning department prepares a team plan annually that is informed by the objectives of the local authority’s Annual Service Plan and the 2019-2024 Corporate Plan in terms of its overall services, targets and responsibilities.

The annual team plan includes the following:

- general department matters;
- forward planning;
- development management;
- planning enforcement; and,
- conservation and heritage.

There is a regular schedule of internal meetings at various levels within the planning department to coordinate responsibilities. A weekly management meeting takes place to oversee the overall functioning of the department that is attended by the Senior Planner, Administrative Officer and the department's three senior executive planners. Each team meets on a regular (weekly/monthly) basis to monitor progress and identify actions as required.

Individual performance is overseen through the standard public sector performance management development system (PMDS), which provides a framework for the identification of a staff member's delivery objectives and training requirements. While traditionally, the planning department has been diligent in ensuring personal development plans were in place for staff members there has been some slippage in more recent times with personal development plans not being completed in respect of technical staff in 2022 and end of year reviews not having been completed for any staff over the past few years.

Maintaining a focus on PMDS can be difficult when day-to-day workloads dominate attention. It would appear that this has been the recent case in Waterford City & County Council. However, it is critical that management are able to commit time to reflect on team and individual performance and development, and to provide support to staff who may be under significant pressure whilst individual team members need to be afforded the opportunity to consider their own performance and training needs. PMDS is an important tool in this regard and the Council should make renewed efforts to ensure there is an ongoing wider commitment to the process.

Considerations and Recommendations

Overall, the planning department appears to be organised, and to operate, based on clear reporting and communication lines between management and teams.

The department is structured along traditional lines, with technical teams assigned to each of the forward planning, development management and enforcement functions while being supported by an overarching administrative and management team. This standard organisational model naturally allows for a good level of cohesion between strategic policy matters and the day-to-day delivery of public-facing statutory planning services.

Even setting aside the vacancies being managed at the time of the review process, it is clear that the Council’s planning department operates with a small number of staff given the wide-ranging duties it performs, including delivering on strategic policy matters and customer-driven services that are bound by statutory timeframes. It is evident from engaging with the Council’s planning staff that limited resourcing places a significant strain on the department and the delivery of certain functions, in particular conservation and planning enforcement.

As noted above, the forward planning function is performed by less than four planner staff, while both development management and enforcement functions are intended to be delivered with just eight planners available. Given that there is just one senior planner in the department, an extensive breadth of technical responsibility rests with this single individual. Additionally, with no senior executive officer assigned to the department, the Senior Planner must also take full responsibility for fulfilling a strategic management role for the department.

Later in the report, wider requirements are noted in relation to additional resourcing to support the delivery of the forward planning, enforcement, taking-in-charge, architectural heritage protection and the collection of levies functions.

Recommendation 1 – Internal Evaluation of the Planning Department

An internal evaluation report should be prepared in respect of the planning department’s strategic resourcing needs. The report should be prepared within the next six months and presented to the senior management of the Council for priority consideration.

The report should clearly quantify the existing development management and planning enforcement demand’s on the department’s resource capacity. The report should also highlight the emerging demands associated with the strategic delivery of the Council’s forward planning function.

The specific risks to service delivery in respect of particular functions should be risk assessed. Finally, the report should identify positions sought, including which positions are considered a priority.

Recommendation No.	Grading	Responsibility
1: Internal Evaluation of the Planning Department	High	Director of Services

4. Forward Planning

The National Planning Framework (NPF) targets significant growth and development in all five of Ireland's cities and identifies the potential for Waterford City to become a regional city of scale and lead the development of the southeast regional area. The NPF targets a 28,000 population increase across Waterford by 2031 and considers that Waterford City and suburbs could achieve a 50% population increase in the period to 2040. This presents the Council with significant opportunity and responsibility to ensure not only that development is delivered but to secure sustainable and appropriate development.

Building on the NPF, the Southern Regional Assembly prepared a Regional Spatial & Economic Strategy (RSES) for the Southern Region. The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the overall Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford. The RSES is being implemented in partnership with local authorities and State agencies to deliver on this vision and build a cohesive and sustainable region.

The Waterford City & County Development Plan 2022-2028 has embraced many of the challenges and opportunities identified in the NPF, RSES and Waterford MASP. The Plan's implementation should guide the future sustainable growth and development of the County and the City as envisioned in the NPF. The NPF strongly supports the strategic development of Waterford in achieving ambitious population growth targets by 2040. However, the Council have indicated that achieving such population targets will be a challenge.

It is crucial that the Council gives ongoing wider strategic consideration to securing the implementation of the MASP and fulfilling the role of Waterford Metropolitan Area as a primary economic driver for the Southern Region. In this regard, the development of the strategic employment locations identified in the Waterford MASP, as well as engagement with the Land Development Agency is key to delivering underutilised brownfield sites and plan-led regeneration of key areas identified in the Development Plan.

Forward Planning Team

The work programme of the forward planning team includes the development plan, the preparation of a range of studies and strategies that the objectives of the plan require, the monitoring of the implementation of the development plan, preparation of local area plans and other functions. The team are also undertaking the review of the Council's Development Contribution Scheme.

As noted earlier in the report, the existing structure of the forward planning team amounts to just under six full time equivalents in terms of available resources. While the team is overseen by the Senior Planner, who also has responsibility for the other functions of the planning department,

there is a dedicated Senior Executive Planner and two assistant planners. The team is also supported by the department's conservation and heritage officers, a GIS technician and a level of administrative support.

Noting the above configuration, there is a relatively limited staffing cohort working directly on forward planning for a local authority with a broad span of strategic planning issues to address, from the city and metropolitan to town and rural levels.

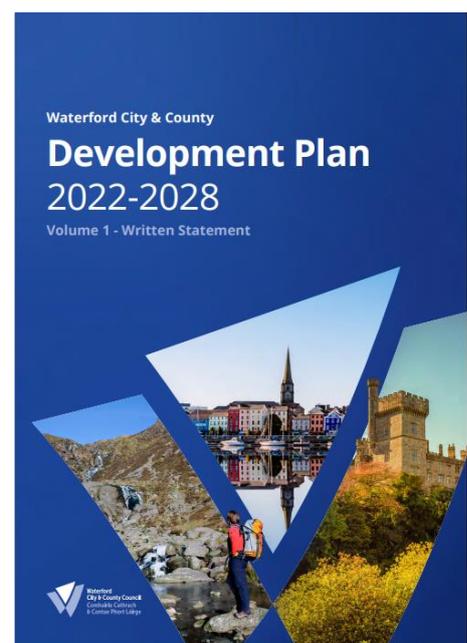
By its nature, conducting forward planning functions to a high standard requires proactive information gathering and analysis, stakeholder and public engagement and careful drafting of the relevant plans with the benefit of painstaking preparation and assessment. In addition, the application of advanced ICT systems such as GIS based analytical capability to overlay key planning datasets like flood risk, habitats, heritage and built form, coupled to three-dimensional modelling is becoming the standard.

Taking account of the above, the currently temporary role of GIS technician in the forward planning team should be re-evaluated as part of the process under Recommendation 1 with a view to strengthening GIS and spatial data capability within the forward planning team and on an ongoing basis.

While the forward planning function receives some support from the administrative team, it is also suggested that the Council should give consideration to the assignment of fully dedicated administrative staff to this area. The assignment of dedicated staff would allow for the development of a greater capacity within the team in harnessing the full potential of the forward planning function and would provide a greater level of resilience in terms of business continuity.

Preparation of Waterford Development Plan

Delivering a successful development plan review requires a collaborative and multi-disciplinary approach from the outset. The Development Plan guidelines set out that formal project management measures should be in place and that a dedicated project manager should be appointed to oversee the review. The guidelines also indicate that a cross-authority multi-disciplinary group (additional to the core development plan team) should be formed, which will consist of representatives of other functional areas e.g. housing, community, transport, environment, heritage, etc.



The current Waterford City & County Development Plan 2022-2028 came into effect on 19th July 2022. The development plan review process began in July 2020, with the publication of a Strategic Issues Paper.

Statutory notices were placed in local newspapers in July 2020. Notice of formal commencement of the Development Plan review was also advertised on the Council's social media platforms between July and September 2020. This also included making recordings publically available of three development plan webinars. In addition, a total of 68 audio advertisements were aired on local radio during July and August to promote the consultation process and public meetings.

These notices directed the public to a dedicated public consultation portal (consult.waterfordcouncil.ie) and to documentation which was available for inspection in the local authority's offices and public libraries. A total of 284 written submissions were received during the pre-draft consultation period that ran from 20th July 2020 to 14th September 2020.

The development plan review process was conducted during periods where Covid-19 public health restrictions were in place. Given the impact this had on the ability to organise public meetings, the Council put an online information strategy in place to ensure that the plan review process could still be supported by public engagement. To this end, the new consultation portal was designed to engage with a wide audience and keep the public up-to-date with the process. The public were invited to use the portal to make on-line submissions or to send them by email or regular post.

A series of short videos (2-3 minutes each) were placed on the consultation portal to assist in informing members of the public and to stimulate interest and debate. These videos were viewed 779 times during the public consultation period and the social media posts achieved a collective reach of 23,600 users during the pre-draft consultation period. The videos focused on providing a background context and details of the process and timeframes associated with the making of the development plan. The videos on the portal included the following:

- Waterford Development Plan–Have Your Say;
- What is a Development Plan;
- Development Plan Process and Timeline;
- How to make an online submission;
- Natural Heritage; and,
- Built Heritage.

Three separate, themed public online webinar sessions were advertised and held over three evenings in August 2020. The webinars were advertised by radio and through social media. Each webinar had a separate theme, and included contributions from various departments within the Council, as well as from other stakeholders, including Waterford City, Tramore, Dungarvan and West Waterford Chambers of Commerce and Waterford Institute of Technology.

The webinars were structured as follows:

- Environment and Heritage;
- Community and Place making; and,
- Economy and Business.

The draft plan was on public display from 18th June to 30th August 2021 via the consultation portal and at the Council's customer care desks. Statutory notices were placed in local newspapers; 28 audio advertisements were aired on local radio to promote the consultation. The Council estimates that its social media reach in relation to this stage of the process connected to over 50,000 users.

Six online public webinar sessions were held over six evenings in July 2021. The webinars were advertised by radio (28 slots) and through social media. These webinars were recorded each evening and made available through social media and on the Council's public consultation portal. The recordings were viewed a total of 466 times. A total of 479 written submissions were received during the draft plan consultation period.

With regard to the elected members of the Council, the planning department implemented an intensive programme of engagement between planning official and councillors in relation to the development plan review. Some forty workshop type meetings with elected members were conducted during the plan review process.

The Council highlighted the challenge for newly elected members to become familiar with the development plan process. This was a very significant level of input on the part of a small forward planning team. Nevertheless, the planning department is satisfied that this intensive process of engagement was both robust and productive.

OPR Evaluation of the Waterford Development Plan

The OPR commended the Council on the preparation of a well-considered and evidence-based City and County Development Plan,⁵ which provides a coherent and appropriate strategy for the delivery of key national planning objectives including the promotion of compact growth and town and village centre regeneration.

The OPR welcomed the following elements of the Plan:

- The preparation of the City Neighbourhood Strategy, Appendix 21 'Waterford City & County Regeneration and Opportunity Sites' and the inclusion of brownfield targets for the county's settlements within the core strategy table;

⁵ Deputy Regulator & Director of Plans Evaluation, Office of the Planning Regulator, 'Adopted Waterford City and County Development Plan 2022-2028. Source: <https://www.opr.ie/wp-content/uploads/2022/07/2022.06.29-OPR-Acknowledgement-of-Adoption-of-Waterford-CCDP-2022-28-AD-017-22.pdf>

- The delivery of a robust renewable energy strategy, which provides for measurable renewable energy targets, demonstrates a clear commitment to supporting national renewable energy targets under the Climate Action Plan 2021;
- The GIS mapping for land use zoning;
- The introduction of residential phasing; and,
- The adoption of the Plan with population targets adhering to the typology set out in statutory guidelines.

Environmental Assessment in Forward Planning

The implementation of environmental assessments under the relevant EU Directives ensures a robust framework for considering the environmental effects during the plan-making and project consent stages. These assessments are integral to the decision-making processes of planning authorities and include the following:

- The Strategic Environmental Assessment (SEA) Directive⁶ requires that an SEA shall be carried out on all plans and programmes that form a framework for assessing projects. This covers statutory plans and other plans that form a framework for assessing development consents.
- Appropriate Assessment (AA) requires a focused and detailed assessment of the impacts of a plan or project, alone or in combination with other plans or projects, on the integrity of a European site solely in the view of its conservation objectives.
- Strategic Flood Risk Assessment (SFRA) is a requirement under the Act as per the section 28 Ministerial guidance 'The Planning System and Flood Risk Management Guidelines' (2009) as amended by Circular PL 2/2014 and the EU Floods Directive.

Once the relevant statutory plans have been made, taking on board the above inputs, the Environmental Impact Assessment (EIA) Directive provides an additional level of protection of the environment by requiring that certain developments must be then be assessed in terms of any specific project-level effects on the environment before development consent is given.

Waterford City & County Council used external expertise to assist in the SEA and the SFRA processes of the 2022-2028 Development Plan. The AA for the Plan was carried out by the planning department's Heritage Officer.

Amenity objectives

Part XIII of the Act relates to amenities and specifically areas of special amenity, landscape conservation areas, tree protection orders, creation of public rights of way, CPO for rights of way and repair and tidying of advertisement structures.

⁶ Directive 2001/42/EC on strategic environmental assessment.

The Council's policies in relation to amenities are set out in the appendix of the City and County Development Plan 2022-2028 as follows:

- There are seven landscape character types encompassing coastal landscapes, farmed lowland landscapes, river corridor landscapes, estuaries, foothill landscapes, upland landscapes and urbanising landscapes.
- Appendix 8 identifies high sensitivity areas which are “Distinctive character with some capacity to absorb a limited range of appropriate new developments while sustaining its existing character”.
- The Plan includes a suite of policies to develop recreation trails, amenity areas and amenities (health and wellbeing, social, cultural, economic and tourism benefits as well as enhanced community resilience) in Waterford.
- Chapter 10 contains policies and objectives in relation to Blue and Green Infrastructure.
- Appendix 11 of the Development Plan lists twenty existing Tree Preservation Orders in Waterford City and County.

The Development Plan contains policies to support blue / green infrastructure objectives and the delivery a more climate resilient and sustainable city and metropolitan area. The preparation of a Metropolitan Wide-Open Space and Greenbelt Strategy is also intended during the initial lifetime of the Plan in collaboration with key stakeholders such as Irish Water, the National Parks & Wildlife Service, the Office of Public Works and neighbouring local authorities. This will include a Blue and Green Infrastructure Strategy for the City. This will also identify a location for a regional scale park within the metropolitan area as well as the development of neighbourhood parks and open spaces in a manner consistent with Waterford MASP. However, details are not yet available of the intended processes of engagement with neighbouring authorities. This will clearly depend on the resources and proactivity of the Council in following up on the implementation of such objectives.

It is also an objective of the Council to prepare an Open Space Strategy for the County having regard to the town parks, trails, walks, outdoor recreation and other amenity spaces and resources. Sections 206 and 207 of the Act provide for the creation of public rights of way and these provisions are supported by the mandatory objectives for statutory plan-making under section 10(2)(o) of the Act.

Chapter 10 of the current Development Plan, specifically section 10.4 which relates to walking trails and public rights of way, supports initiatives for establishing new walking routes and enhanced accessibility and to maintaining established rights of way.



Waterford Skate Park



Waterford Greenway

Background

The Waterford Greenway has been an outstandingly successful example of a local authority led amenity project that spans a large part of Waterford and has been a major force for the renewal and development of its economy, particularly the rural areas and towns it traverses.

Funding was received in 2021 from the Outdoor Recreation Infrastructure Scheme for the further expansion of the Greenway to improve the existing walk / cycle route and to bring it up to standard. This scheme was approved through the Part 8 process.

The Waterford City & County Development Plan 2022-2028 includes a number of policy objectives relating to the Greenway:

BGI 06 - Enhancing Waterford Greenway

“To support the enhancement of the existing Waterford Greenway and expansion of the Greenway network in Waterford City & County by examining the feasibility of developing a Waterford to Tramore Greenway, a Waterford to Portlaw / Carrick-on-Suir Greenway and by extending the Waterford Greenway to the west of Dungarvan”.

BGI 07 Greenway Network

“To support the development of a South East Greenway network with Waterford City as its hub, linking Waterford City with South Kilkenny, New Ross and Rosslare.”

Outcome and Achievements

The Waterford Greenway opened in 2017 and has recorded user numbers in the order of 250,000 per annum. The Greenway provides a central recreational asset that in turn promotes visitor numbers to other attractions such as Mahon Falls, Copper Coast Geopark, upland and coastal walking trails.

Along with the development and management of existing outdoor trails, Waterford City & County Council's role has been, and continues to be, central in the expansion of regional and national Greenway networks including a Waterford Greenway to South East Greenway link and potential for further regional Greenway development.

The location of the Woodstown Viking Site along the Waterford Greenway presents an exciting opportunity for Waterford's heritage tourism and complement's Fáilte Ireland's Viking Heritage Signature Story.

The further expansion of the Waterford Greenway has the potential to link to the City centre and build on tourism in other locations within the County, for example Dungarvan.

Challenge

Having delivered an international standard tourism corridor, the challenge now is to maintain that and the wider visitor experience to high-quality standard based on sustainably managing the environment and landscape consistent with the National Greenway Strategy.

Preparation of Local Area Plans (LAPs)

The 2022-2028 Development Plan commits to a programme of local area plans for parts of Waterford City, Dungarvan, Tramore, Dunmore East, Portlaw, Lismore, and Gaeltacht na nDéise.

While a detailed delivery schedule has not been identified for the delivery of this workload in the period to 2028, the Council published pre-draft Issues Papers for the Dungarvan / Ballinroad LAP and the Tramore LAP in February 2023, with public consultations on both. While the ambition of the intended programme of local area plans is to be welcomed, it must also be recognised that this is a large programme of work for a small forward planning team over a relatively short period.

Monitoring Progress

Reporting on the progress of implementing the development plan objectives two years after the adoption of the plan is required under section 15(2) of the Act in the form of a chief executive's report. The Council has indicated that the three separate Waterford County, Dungarvan Town and Waterford City Development Plans were adopted in 2011, 2012 and 2013 respectively. There have been no recent reports to the members of the authority on the progress achieved in securing the objectives of those plans under section 15 of the Act given the considerable period since their adoption and the fact that they have been under active review over the past two years.

Of course, monitoring progress in relation to the implementation of development plan objectives overlaps with the requirement to have a robust evidence base for preparation or review of any subsequent statutory plan. Furthermore, the 2022 Development Plan Guidelines emphasise the need for an annual monitoring report informed by data and analysis.⁷ The Guidelines indicate that

⁷ Department of Housing, Local Government and Heritage, 'Development Plans – Guidelines for Planning Authorities', Gov.ie, (1 July 2022). Source: <https://www.gov.ie/en/publication/f9aac-development-plans-guidelines-for-planning-authorities/>

strategic data collection and analysis should take place before, during and after the plan-making process and should be supported by a permanent plan preparation and review / policy function within the local authority planning team.

The Council should be cognisant that work practices and resourcing need to be updated to reflect this expectation in relation to ongoing policy analysis and reporting. There must be a focus on strengthening the monitoring evidence-base, particularly in relation to core strategy implementation. It will also inform SEA monitoring of the development plan, which is key in terms of measuring overall progress in the implementation of development plan objectives. Appendix 16 of the 2022 Development Plan includes the implementation and monitoring framework (Table 16.1), which sets out the key measurable Policy Objectives in terms of their contribution towards the achievement of the overall vision for Waterford set out in the Plan.

While the extent of policy analysis and formulation conducted as part of the preparation of the Development Plan is acknowledged, having regard to the ambitious scale of growth planned for Waterford, particularly the metropolitan area, the Council must ensure that commensurate dedicated resources and expertise are in place to deliver on these strategic ambitions.

In this regard, the Council has highlighted that monitoring will be challenging due to ongoing resourcing issues with regard to the forward planning function, including GIS capacity and capability mentioned earlier. Following the adoption of the Development Plan, the forward planning resources built up should be maintained or bolstered rather than being dispersed or reallocated, given strategic demands in the forward planning and monitoring of implementation areas.

The 2022 Guidelines highlight the many technical areas of work involved in the plan review and monitoring process and the need for the development plan team to reflect the range of skills and expertise required to deliver a comprehensive and successful plan. In this regard, but also recognising the emergence of ePlanning, as well as the forthcoming preparation of local area plans, a dedicated GIS resource would be of great assistance to the work of the planning department in monitoring outputs and strategic progress.

Performance Rating and Recommendations

Based on the material presented and wider background analysis undertaken by the OPR, the Council's delivery of its forward planning function is considered to be **effective**.

However, the currently limited resources available to support forward planning are of some concern in light of the fundamental requirement to ensure the ongoing monitoring and implementation of policy objectives as well as delivering local area plans.

Overall planning department resourcing was covered in Recommendation 1 and is not revisited here by way of a specific forward planning recommendation. However, it must be recognised that appropriate resourcing will be crucial in achieving the strategic ambitions of, not only, the Waterford Development Plan, but also the RSES and NPF.

A greater level of documentation of process and standard operating procedures would set the planning department on the path towards a higher rating. Noting the dynamic operating environment for forward planning staff, both planners and administrative support, and given the cyclical process of plan-making, the development of internal procedures manuals would be of significant benefit to new starters and would reduce the risk of corporate memory loss over time.

Recommendation 2 – Forward Planning Programme

Recognising the significant expectations upon, and currently limited resources available to, the forward planning function, the Council should identify and commit to a practical programme of outputs of the many subsidiary strategies and initiatives required to be delivered over the period of the Development Plan.

This programme should provide for annual reporting on specific development plan objectives that require follow-on steps and strategies as well as a timeline for the preparation and delivery of the local area plans identified in the Plan. The programme should also identify requirements in relation to coordination with neighbouring authorities, including in relation to the amenity strategy. The programme should be agreed by senior management of the Council with an implicit recognition of the resourcing requirements that will be necessary to deliver it.

Recommendation 3 – Procedures Manual

The Council should start the process of updating and documenting operating procedures for both county / city and local area plan-making. Procedures in relation to all aspects of the process, both technical and operational, should be set out in clear, step-by-step terminology. This would include processes, timelines and responsibilities in relation to, for example; data collection requirements, analysis, drafting, consultation phases, reporting, environmental assessment, publication and adoption of statutory plans, as well as the variation / amendment process.

The focus should be on working out procedures derived from the practical application of the requirements of the legislation, statutory guidance and good professional and operational practice. Other local authorities reviewed have developed such procedures, which compiled and updated over time, provide an effective manual to guide staff, in particular new staff, with regard to the essential elements of the plan-making process. The role of the various technical and administrative team members should also be outlined in the manual, to ensure appropriate project management structures are in place.

Recommendation No.	Grading	Responsibility
2: Forward Planning Programme	High	Director of Services
3: Procedures Manual	Low	Senior Planner

5. Architectural Heritage

Following the amalgamation of Waterford City Council and Waterford County Council in 2014, a review of the three separate Record of Protected Structures (RPS) for the City, the County and Dungarvan town was carried out, to create a single RPS.

Architectural Conservation Areas (ACAs) are an important statutory tool that are designed to secure the preservation of the character of areas or groups of buildings of special interest. The Architectural Heritage Protection Guidelines for Planning Authorities (2011) indicate that ACAs can be an appropriate form of protection in lieu of placing structures on the RPS, given that works to structure's exteriors will only be exempt if they do not materially affect its character. ACAs are designated as part of the Development Plan process.

There are three ACAs currently designated in Dungarvan and the Trinity Within and South Quays areas of Waterford City. 19 ACA settlements are referenced in Appendix 10 of the Development Plan. There are six proposed ACAs within the City and County area, as per Appendix 10. The Plan includes policies to protect these designated areas, including an action to establish a policy framework within which more detailed plans (such as LAPs or plans for ACAs) can be prepared.



Bridge over the River Suir

General Systems and Procedures

There is a full-time permanent Conservation Officer in the Council whose role includes consulting and preparing reports on planning applications, other development consent procedures and section 5 declarations, as necessary. The department also has a Heritage Officer who supports the Conservation Officer, however the focus of this role is to promote interest, knowledge and education of natural heritage, prepare SEA and AA screening reports for the planning department (as already noted). Another function of the Conservation and Heritage Officer is to approve grants under the Historic Structures Fund and Built Heritage Investment Scheme. Both the Conservation Officer and Heritage Officer split their time between the forward planning and development management teams.

The Conservation Officer maintains the RPS. The Waterford City RPS, reviewed in 2018, resulted in the addition of 36 structures to the RPS. There were 341 structures deleted or removed from the RPS that resulted from a review of their structural and architectural integrity and / or the intention to include them in designated Architectural Conservation Areas.

As part of the City & County Development Plan, the RPS was again reviewed and 140 structures were added to the RPS with 65 structures removed. However, the Council has indicated that there are some outstanding legacy issues regarding the RPS given the historic formats and the varying levels of information regarding the RPS to be addressed in the context of its ongoing updating.

Waterford City & County Council now has a total of 1,625 structures on the Record of Protected Structures (RPS), which forms Appendix 9 of the Waterford City & County Development Plan 2022-2028.

Policies to support the protection and enhancement of structures listed on the RPS are contained in Chapter 11 of the Development Plan. It is intended to update surveys of thatched houses and industrial structures in order to keep the RPS up to date over the next 24 months. There is €3,000 awarded in the thatched houses grant. The various grant schemes are useful tools in relation to the protection of architectural heritage. The table below sets out details of conservation related grant funding provided through the Council in recent years (grant aid of €330,000 was in place for 2022).

Table 4: Conservation Officer Administered Projects

Built Heritage	2015	2016	2017	2018	2019	2020	2021	2015-2021
Building Heritage Investment Scheme								
Number of applications	37	42	31	35	39	47	27	258
Number of grants awarded	19	26	15	14	14	15	19	122
BHIS Funding Sub-Total	€130,500	€212,700	€104,000	€114,000	€114,000	€136,800	€182,400	€994,400
Historic Structures Fund								
Number of applications	3	5	5	4	5	9	8	39
Number of grants awarded	2	3	3	1	3	3	4	19
HSF Funding Sub-Total	€26,150	€50,000	€63,000	€80,000	€125,000	€165,000	€184,483	€693,633
Heritage Council								
Irish Walled Towns Network	-	€8,000	€8,000	€10,000	-	€10,000	€12,000	€48,000
Historic Towns Initiative ⁸	-	-	-	-	-	€77,500	-	€77,500
Heritage Council Funding Sub-Total	-	€8,000	€8,000	€10,000	-	€87,500	€12,000	€125,500
Total Funding	€156,650	€270,700	€175,000	€204,000	€239,000	€389,300	€378,883	€1,813,533

⁸ Historic Towns Initiative (HTI) is usually administered by the Council's Economic Development Department but was managed by the Planning Department in 2020 to cover a period of sick leave.

There have been no recent cases where endangerment or restoration notices have been issued pursuant to section 59 / 60 of the Act. While there is no formalised process in place for the identification and referral of endangerment / restoration concerns, where the Conservation Officer becomes aware of such issues, the matter will be reported to the senior executive planner with responsibility for enforcement in the relevant district.

Through the review process, the Conservation Officer noted some concern that procedures could be improved to ensure more coherent referral pathways, and information exchange, across the Council's various functions generally in relation to architectural heritage matters.

With regard to wider public engagement, the Council's website includes a Culture & Heritage section where material on heritage and protected structures is located, including a link to the Waterford Record of Protected Structures. There is also information provided on the Heritage Plan, and heritage projects, including built conservation, archaeology and natural heritage. Usefully the website also provides a link to OPR Planning Leaflet no.12 'A Guide to Architectural Heritage'. It was also noted that the Conservation Officer regularly provides technical advice to the public and planning agents in relation to conservation matters.



Lismore Castle

Performance Rating and Recommendations

The OPR considers that the Council's architectural heritage responsibilities are being delivered on an **effective** basis. The assignment of a dedicated Conservation Officer within the planning department is valuable and the inclusion of the Heritage Officer role within the department creates additional potential for ongoing synergy between the strict architectural heritage protection requirements of the Act and the wider promotion of Waterford's rich history.

However, given that the ongoing successful delivery relies on a limited resource-base of expertise within the department, the absence of an overarching management plan / protocol for architectural heritage leaves some risk in relation to continuity should a role become vacant or be reassigned to another department within the Council. A greater formalisation (i.e. on a strategic basis related to the function rather than through goal setting with a line-manager) of the architectural conservation workload and associated internal engagement and reporting procedures would create a greater level of organisational resilience in relation to the overall function.

Recommendation 4 – Architectural Heritage Management Plan / Protocol.

Over the next 12 months, the planning department should prepare an internal management plan in relation to the protection of architectural heritage function. This will include proposed scheduling, over the lifetime of the current development plan, for the preparation of proposed ACAs and phasing of updates to the RPS as well as detailing the required inputs and administrative dependencies for the management and oversight of conservation grant schemes and proactive engagement with owners / occupiers of protected structures.

To ensure the most effective use of the available expertise, the plan should identify elements of procedure associated with the Conservation / Heritage Officers roles that could be assisted or delivered through the wider support of the planning department.

This internal plan should also set out a protocol for internal referrals to the Conservation / Heritage Officers in relation to development matters across Council departments that might have an impact on built / natural heritage or archaeology.

This plan and protocol should be developed by the Conservation / Heritage Officers in the first instance for the attention and approval of the Senior Planner, prior to the protocol elements being circulated more widely within the Council.

Recommendation No.	Grading	Responsibility
4: Architectural Heritage Management Plan / Protocol	Medium	Senior Planner

6. Land Activation and Projects

As the planning process becomes more plan-led in line with the National Planning Framework, active measures of intervention to ensure objectives of such plans are met become more and more important, particularly where the development sector does not or cannot respond.

This is particularly important for MASP areas, where national and regional planning policy is to secure at least 50% of future new housing in locations within existing built-up areas. Such areas can often contain brownfield and inner urban development sites that can be very challenging to progress having regard to practical, land ownership, heritage and economic and funding issues, particularly for multi-unit housing development. Surmounting these challenges necessitates a strong leadership role for the relevant local authority, for example in acquisition of derelict or key development areas that may not be coming forward for development and whose role is crucial in securing plan objectives.

With projects like Waterford's North Quays and wider rural town regeneration initiatives underway, Waterford City & County Council has a very strong track record in this area. The Council has a critical role in activating development in urban areas through the range of functions including the preparation of LAPs, utilising powers available from mechanisms such as compulsory purchase order (CPO) and Vacant / Derelict Sites Levies, and coordinating delivery through Government initiatives. It is recognised that the Council, as with all local authorities, is but one element of the development process and the delivery of housing ultimately results from a successful process of engagement and interaction between the development and public sectors, both locally and centrally.

Under the NPF, the aim is to increase Waterford's population by approximately 28,000 to the year 2031, with a total housing demand of 8,454 total households for County Waterford over the period 2020-2031, resulting in an annual average of 705 units. The Council are seeking to ensure that "that at least 50% of housing must be provided in Waterford City and Suburbs, and at least 30% of housing in other settlements across the County, within their existing settlement footprints". Waterford City & County Council, like other local authorities, face challenges in this delivery. Given the ambitious population growth projections, land activation is a very important area.

The review process clarified that various departments in the Council engage in land activation related activities. For example, the economic department leads on applications for regeneration funding while the property management department leads out on the compulsory purchase order (CPO) process in relation to the purchasing of vacant or derelict housing stock to facilitate refurbishment and return to residential use. The planning department takes responsibility for both the Vacant Sites and Derelict Sites registers.

In terms of greenfield areas located within the built footprint of the city, the Council's preferred development strategy as indicated in Section 3.2 of the current development plan is to promote:

- City South West Neighbourhood (University / Ballybeg / Kibarry / Lacken);
- City North West Neighbourhood (Carrickphierish to 2028 while a local area plan will be put in place for Gracedieu prior to the next development plan); and,

- collaboration with Kilkenny County Council to implement the development of lands in Ferrybank consistent with the RSES.

The development of the City South West Neighbourhood will be possible over the period of the Development Plan, given the extent of service infrastructure to facilitate housing growth. The delivery of regeneration lands as identified in the RSES for the Southern Regional Assembly and other regeneration sites will be pursued over the lifetime of the 2022-2028 Development Plan, by way of active land management and collaboration with state agencies such as the LDA and landowners.

The development plan also highlights that the delivery of regeneration lands over its lifetime holds the potential to provide additional accommodation for commercial and employment uses.

Vacant Sites Register

The Vacant Site Levy was introduced as an activation measure to encourage vacant or underutilised land in urban areas to be brought into beneficial use, while also ensuring a more efficient return on State investment in enabling infrastructure and helping to counter unsustainable urban sprawl. The 2015 legislation required authorities to establish vacant sites registers, consequently the Council conducted surveys and identified for consideration. Ultimately, 16 sites were included on the Waterford Vacant Sites Register.

Site
Former Waterford Stanley Factory, Bilberry, Waterford
Lands at Cork Road, Kilbarry, Waterford.
Former Ryan's Bar, Ballybeg, Waterford.
Lands at Bowefield, Quarry Road, Gracedieu, Waterford.
Bowe's Lands, Gibbethill, Quarry Road, Gracedieu, Waterford.
Lands north of Carrickphierish Road, Gracedieu, Waterford.
Lands at Kilbarry Road, Six Cross Roads, Kilbarry, Waterford.
68-70 O'Connell Street, Dungarvan.
Walsh Street, Shandon, Dungarvan.
Buildings East Side, Strand Street, Tramore.
Old Tramore Hotel Site, Strand Street, Tramore.
Lands at Newtown Hill, Tramore.
Lands at Newtown Hill, Tramore.
Lands at Newtown Hill, Tramore.
Lands to north of Outer Ring Road, Kilbarry, Waterford.
Lands to east of Island Lane, Ballinakill, Waterford.

Table 5: Sites listed on Vacant Sites Register

It is regrettable that to date no levies have been collected and it is of significant concern that the reason cited for this is the lack of resources to actively progress the Vacant Sites Levy.

In 2021, Government signalled the Residential Zoned Land Tax (RZLT) to replace the Vacant Sites Levy as a new mechanism to activate vacant land for residential purposes. The process to identify lands to which the tax will apply is underway and the tax will be payable from 2024.

The RZLT is intended to activate land that is serviced and zoned for residential use, or mixed use including residential use, in order to increase housing supply and to ensure the regeneration of vacant and idle lands in urban locations. These locations have been identified within statutory land use plans as being appropriate locations for housing and they have benefitted from investment in the key services to support the delivery of housing.

The RZLT process has two parts:

1. Identification and mapping of the land in scope for the tax. This is undertaken by local authorities through the publication of draft and supplemental maps.
2. Administration of the tax, which is to be undertaken by the Revenue Commissioners from 2024 onwards.

The Council prepared a draft map of the land considered to be in scope for the RZLT as of October 2022, which is available on the Council's website. The ongoing monitoring of data (preferably GIS based) in relation to all zoned land is an important activity required as part of forward planning function; the process for RZLT underlines the importance of proactivity in this regard.

Derelict Sites Register

The implementation of Derelict Sites legislation is also the responsibility of the forward planning team. The Council's website includes details of what would be considered to be a derelict site and a complaint form. The Derelict Sites Register is also available to view on the Council's website.

The Council has a procedure for conducting the derelict sites process, which describes the various actions to be taken in relation to complaints regarding a potential derelict site and includes, as appendices, a copy of the Act and copies of standard notices and forms to be used. It also includes advice on the statutory provisions in relation to the service of notices and additional detailed legal advice in relation to various aspects of the process.

The Council's Derelict Sites Register is divided into regions i.e. Comeragh, Dungarvan / Lismore, Tramore and Waterford City West and Waterford City South. There are 33 no. properties listed on the register. However, through the review process it was outlined that the Council has not been proactive in updating the Derelict Sites Register or collecting levies in recent years due to resourcing issues. The Council indicated that a comprehensive review of the Register is intended. This again underscores the importance of action by the Council on Recommendation 1.

Compulsory Purchase Order (CPO) Powers

The purchasing of vacant and derelict housing stock through CPO powers, to facilitate refurbishment and return to residential use, is led by the housing department and the property management section of the Council. The planning department plays a liaison role.

Approximately 25 housing units were acquired through these powers in the five-year period before the OPR review was initiated. Generally, these units are acquired for the Council's own housing stock, but occasionally are sold onwards to private occupiers, and have also been acquired to facilitate regeneration projects (rural and urban).

Utilisation of the Development Contribution Scheme

The planning department oversees the implementation of the Council's current Development Contribution Scheme (2023-2029), which includes the following categories of development relevant to land activation:

- The refurbishment or redevelopment of derelict sites that are subject to derelict sites notices or are included on the derelict sites register shall be subject to a 50% reduction of the normal rates.
- Change of use i.e. "Applications for change of use shall be subject to a 100% reduction where the change of use does not lead to the need for new or upgraded infrastructure / services or where there is no additional demand placed on existing infrastructure".

Regeneration & Development Funding

The Urban Regeneration & Development Fund (URDF) and Rural Regeneration & Development Fund (RRDF) aim to deliver more compact and sustainable development, as envisaged under Project Ireland 2040.

The flagship North Quays regeneration project is outlined in detail under Case Study 2 below and is a nationally scaled project that both demonstrates the opportunities and challenges in progressing city quarter wide regeneration to underpin long-term sustainable development.

In a wider rural sense, Waterford City & County Council secured €1.6 million in funding in 2020 from the RRDF to pursue its regeneration strategy with particular reference to Cappoquin's regeneration through a town centre first approach. The available funding is intended to kick-start the Cappoquin regeneration process through a number of key projects, including a town centre vacant properties initiative, a housing pilot scheme and public realm improvements. The objective of the Town Centre First Plan is to restore the town of Cappoquin in terms of culture and commercial activity and to address the challenges and opportunities facing the town through the various interlinked projects.

With regard to policy objectives which support, Chapter 4 of the Waterford City & County Development Plan includes policy objectives to underpin the Town Centre First approach, specifically ECON 04 ('City and Town Centre First Approach') and Retail 03 ('Town Centre First Approach / Sequential Approach'). Through these objectives, the Council sets out its intention to advance local authority initiatives that are consistent with the principles of compact growth and mixed-use development to support and enable vibrant and viable town centres that form the main focus and preferred location for new retail development.

Cappoquin is featured as a case study town in the Government's Town Centre First Initiative policy document. Through independent financing, two of the highest profile vacant properties on Main Street have now been brought back into use. Blackwater House has been redeveloped as a digital hub by Cappoquin Community Development Company, while the Market House has been redeveloped as an artist's studio and gallery by Cappoquin Estates and an artist's collective.

Under the URDF the Council has been successful in securing funding of almost €28 million for a series of interlinked regeneration projects across the city centre and over €100 million for the North Quays Project, which is detailed below. The MASP highlights that URDF funding is a signal of

confidence in the metropolitan area with a focus on the city centre. It echoes that funding from sources such as the URDF will support projects to drive change in the city centre in particular, making it more accessible, vibrant and attractive.

The city centre projects are focused on addressing dereliction and regeneration by creating a range of new public realm spaces and new multi-use buildings where communities can share living, working and creative spaces. The projects outlined in the Waterford City Centre Design Strategy are intertwined with the recently adopted Waterford Cultural Quarter Strategic Plan and timelines are closely aligned.

Case Study 2 North Quays Development

Waterford City & County Council has been allocated over €100 million in funding from the URDF to facilitate the development of the North Quays Strategic Development Zone site. In addition, €70 million in National Transport Authority funding has been allocated to open up access to the site. The delivery of this project is expected to increase economic activity in the southeast and counteract historical underinvestment in the area.

The North Quays project will act as a catalyst for the development of commercial and residential land with direct sustainable access via the greenway to the city centre and intercity locations allowing for active travel and associated health benefits, journey time saving, modal shift to more sustainable transport and reduced emissions.



This plan-led, holistic and sustainable approach to development is in line with current Government policies and the NPF. It will ensure the area acts as a key enabler into the future for Waterford City and the wider region.

The funding will enable the completion of the three key infrastructural elements that Waterford City & County Council are progressing in tandem with associated infrastructural works that are being progressed by Kilkenny County Council. The plan includes a high-class waterfront apartment complex with links to the train station and the greenway with 10,000 square feet of the development allocated to office space.

The North Quays project is the largest commercial development in Waterford and currently the largest urban regeneration project in the Country. The combined private and public investment in the project is estimated at over €500 million. A 7% growth rate to Waterford's economy is anticipated as well as a 1.5% growth to the wider South East economy.

The Council's approach to the coordination of these largescale Government backed projects has been through a multi-disciplinary team across the Council rather than a unit within the planning department. The multi-disciplinary team comprises a core team with support from architects, engineers and planners and consultant specialists as required.

Performance Rating and Recommendations

Waterford is a key asset for the country in terms of its location and potential to grow and develop as a key driver for the southeast area. The Council has a critical role in supporting and implementing the priorities and objectives of the Waterford MASP to support the City to function as a regional city of scale that supports the entire southeast regional area.

As is the case nationally, the challenge to address vacancy and dereliction in Waterford City and the towns across the county is one that needs particular focus. The proactive success associated with leveraging funding for initiatives under both the URDF and RRDF must be acknowledged and the Council's overall performance is considered **effective** on this basis. However, the lack of delivery on the Vacant Sites and Derelict Sites Registers for land activation is of concern. With levies not currently being collected under either, it is of considerable concern that there are no examples available of site activation as a direct result of these mechanisms.

It is considered that the Council's overall proactive approach to special projects could be further enhanced by providing for an increased role for the planning department to drive and coordinate the design and delivery of projects. There is an opportunity to generate increased synergy between the various tools at the Council's disposal (from levies to development contributions to regeneration initiatives). There is also a necessity for the planning department to use its expertise to monitor and analyse the implementation of Council projects in the overall context of securing the delivery of development plan objectives and to proactively inform ongoing Council development strategies. As noted already in this report, providing the planning department with additional responsibilities will also require the assignment of appropriate resources.

Recommendation 5 – Coordination of Activation Projects

Consideration should be given within the next 12 months towards creating dedicated resources within the planning department to develop, coordinate and monitor the delivery of site / land activation projects. This work should include the integration and enhancement of the information management systems available in relation to sites, occupancy, infrastructure, zoning, etc. and providing analysis to inform reporting and policy development.

Recommendation 6 – Collection of Levies

With the Residential Zoned Land Tax becoming payable next year, it is important that the Council ensures a robust procedure is in place for the implementation of the various site activation initiatives it is responsible for. This procedure should include appropriate consideration with regard to uncollected levies from previous years under the Vacant Sites and Derelict Sites Levies.

Recommendation No.	Grading	Responsibility
5: Coordination of Activation Projects	Medium	Director of Services
6: Collection of Levies	Medium	Director of Services

7. Development Management

Development Management Team

The Council's development management and enforcement teams are overseen by one senior planner, and led by two senior executive planners, each with a team of three planners to deliver the development management function.



Dungarvan

The Conservation Officer, Heritage Officer and GIS officer also assist the development management team. The functioning of the development management team (including planning enforcement) is underpinned by the 12 (FTE) person administration team.

The development management function includes the following responsibilities:

- Pre-planning consultations;
- Processing of planning applications;
- AA and EIA screening (assisted by the Heritage Officer);
- Making observations to An Bord Pleanála in respect of any of decisions appealed
- Processing compliance submissions;
- Assessment of the local authority own proposals for development under Part 8;
- Determining if certain developments are exempted under section 5 of the Act;
- Declarations in relation to works affecting protected structures;
- Section 254 Licences;
- Strategic Infrastructure Developments;
- Strategic Housing Development (SHD) / Large Scale Residential Developments (LRDs);
- Event licensing; and,
- Other planning related functions.

As noted earlier, the development management team is divided into districts namely 'Operations - Metro' and 'Operations - County'. Each team is led by a senior executive planner with two executive planners and one assistant planner on each team.

The Director of Services approves planning decisions. Given the volume of other responsibilities, there is no direct role for the Senior Planner in the assessment or determination of a planning application. Both development management teams hold weekly team meetings, from which the senior executive planners bring important items to the weekly senior staff meeting.

Systems and Procedures

Following the 2014 amalgamation of Waterford City Council and Waterford County Council into a single authority, a significant effort was required to standardise development management procedures and practice. The dedication of planning staff in this regard must be acknowledged. Waterford City & County Council has a number of operational procedures in place with respect to the day-to-day operation of development management responsibilities, including pre-planning, compliance, Part 8, etc.

It is also noted that a new planning compliance submissions procedure has been put in place and is operated through the Council's CRM system, this will ensure the correct allocation and assessment of compliance submissions within the required timeframes. Furthermore, a new database has been established for all Large-scale Residential Development (LRD) type applications. This ensures that each LRD application received by the Council is carefully tracked and managed through the process.

Development Management Output

Centrally published planning data provides details on each local authority's outputs and allows comparison between authorities and with national trends.

At the overall level, Figure 3 below illustrates that Waterford City & County Council's intake of valid planning applications increased almost each of the seven years between 2015 and 2021, representing a 58% increase over the seven-year period. This compares to an overall national increase of 37% for the same period.

The number of applications received in 2021 was 1,086 (excluding 113 deemed invalid). As a comparison, in 2021 Cork County received 3,448 valid planning applications, Tipperary received 1,322, Kilkenny received 981, and Wexford received 1,826. The valid planning application intake by the Council was the 16th highest of the 31 planning authorities in 2021.

The number of decisions made during 2021 was 974 – broken down as 807 decisions to grant and 167 decisions to refuse.



Figure 3: Valid Applications Received 2015-2021⁹

Invalidation of planning applications

Ensuring that planning applications include the proper documentation, public notices, the required drawings and particulars is a key requirement of the Regulations. Accurate and proper planning application documentation is very important in ensuring proper information for the public and effective assessment of planning applications by local authority staff. Accordingly, the Regulations specify strict standards that applications must reach before they are technically assessed, and if applications do not reach required standards than they should be invalidated.

As wider OPR research has found, planning application invalidation rates vary considerably from one local authority to another. A rigorous but fair process for the validation of planning applications is essential to the efficient operation of the development management system. An ineffective validation system can be costly for both the local authority and applicant. Fundamentally, the rate of invalidation within a local authority will be effected by the quality of planning application documentation submitted by applicants.

In Waterford City & County Council, technicians carry out the process of validation in relation to planning applications received. In 2015 and 2016, the percentage of invalid applications received by the Council matched the national average, at around 14%. In more recent years, the Council's invalidation rate has been 3-5% below the national average, as illustrated in Figure 4 below.

In 2021, invalid applications accounted for less than 10% of all planning applications. This low rate can be somewhat explained by the Council's practice of engaging with agents in relation to minor matters before an application is invalidated. The Council advised of good working relationships between the department and many agents. However, it is noted that ePlanning, which will have strict requirements in relation to application standards, will bring a challenge in this regard.

⁹ Department of Housing, Local Government and Heritage, 'Annual Planning Statistics 2015-2021', Gov.ie, (12 January 2021). Sourced: <https://www.gov.ie/en/service/9e4ee-get-planning-statistics/>



Figure 4: Invalidation Rates 2015-2021¹⁰

Decisions

Statistics for the period 2015-2021 illustrate the Council's rate of refusal increasing from 4.5% to 17% during the seven-year period i.e. from somewhat lower than the national average (9-12%) to somewhat higher.

As noted above, there was a 58% increase in the number of valid planning applications received by the Council during this same period. It would appear that the increase in the volume of applications submitted has been coupled with a level of deterioration in the overall quality of the developments proposed. This may be a trend for the Council to monitor.

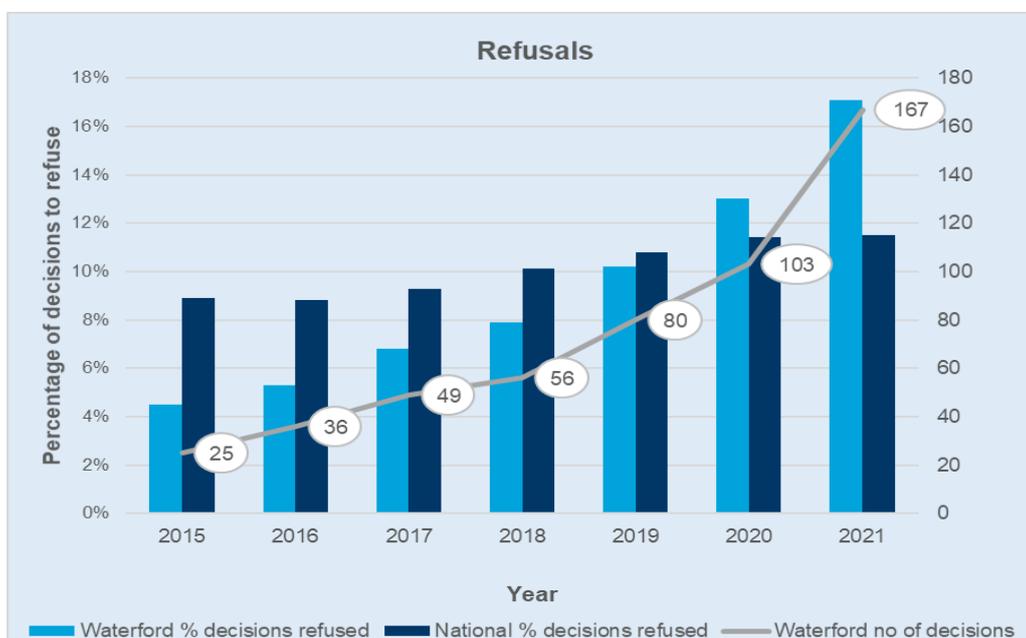


Figure 5: Decisions Refused 2015-2021¹¹

¹⁰ ibid

¹¹ ibid

Decisions Made Within Eight Weeks

Figure 6 below illustrates the percentage of decisions made by the Council within eight weeks between 2015 and 2021. The Council's rate for making a decision within eight weeks has remained above the national average, ranging from 77% of decisions within eight weeks in 2015 (compared to a national average of 67%) to 69% in 2021 (when the national average was 32%). This indicates a dedicated performance in relation to the efficient processing of planning applications.



Figure 6: Decisions Made within Eight Weeks 2015-2021¹²

Decisions Deferred

Figure 7 below illustrates the percentage of decisions deferred. In the five-year period from 2015 to 2019 the Council had a somewhat lower deferral rate than the national average. In 2020, the Council's deferral rate spiked at approximately 35% of all decisions made, which, however, was still lower than the national average. The Council attributed this increase to the initial operating environment associated with the Covid-19 pandemic, which restricted pre-planning engagements, and as a result a higher rate of further information requests arose.

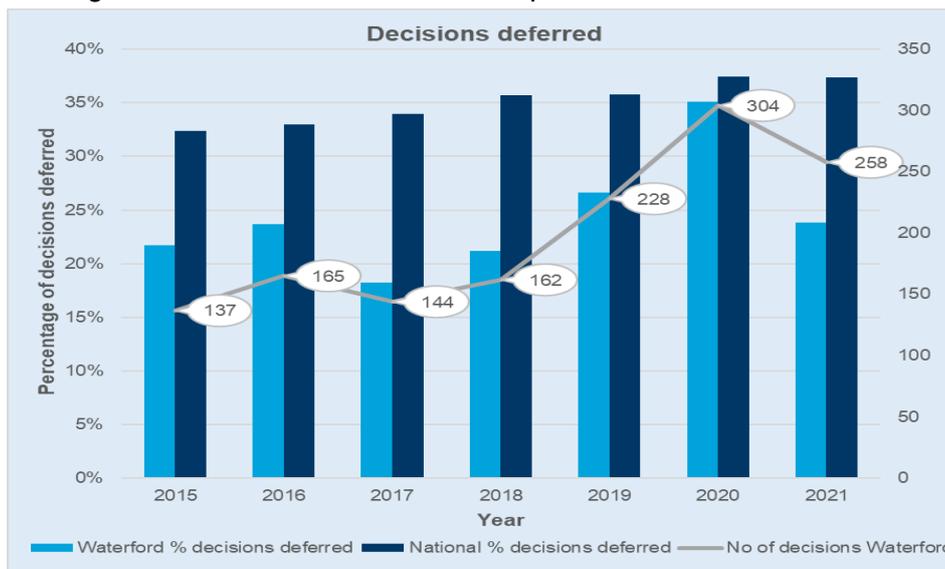


Figure 7: Decisions Deferred 2015-2021¹³

¹² ibid

¹³ ibid

Appeals to An Bord Pleanála

Between 2015 and 2021, the national rate for local authority planning decisions being appealed to An Bord Pleanála has steadily remained around 6% to 7%. Waterford City & County Council's rate of appeal is below the national average, staying at, in or around, 5% during the period.

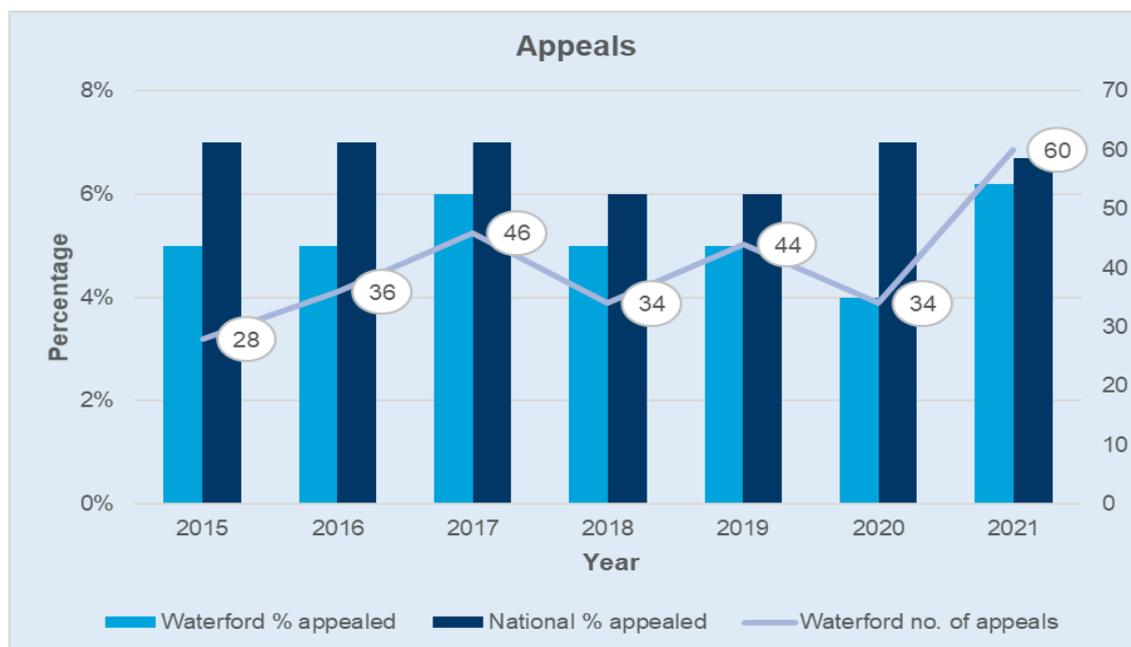


Figure 8: Appeals to An Bord Pleanála 2015-2021¹⁴

Reversal Rates on Appeal

During the years 2015 to 2021, the national average for decisions being reversed by An Bord Pleanála has been between 24% and 28%. A general inference could be made in relation to the quality of decision-making where a low reversal rate is demonstrated. In this regard, Waterford City & County Council's reversal rate has generally been close to the national average rate.

While the Council's rate was below the national average a number of years, 2018 and 2021 saw spikes where the Council's rate hit 34% and 37% respectively. Given the relatively low number of planning decisions this involved, i.e. that were first appealed and then reversed, and the fact that the Council is conscious of the particular cases involved, there is no cause for concern in relation to the trends for those two years.

¹⁴ An Bord Pleanála, 'Annual Report and Accounts, 2015-2021', (14 December 2021). Sourced: <https://www.pleanala.ie/en-ie/publications>

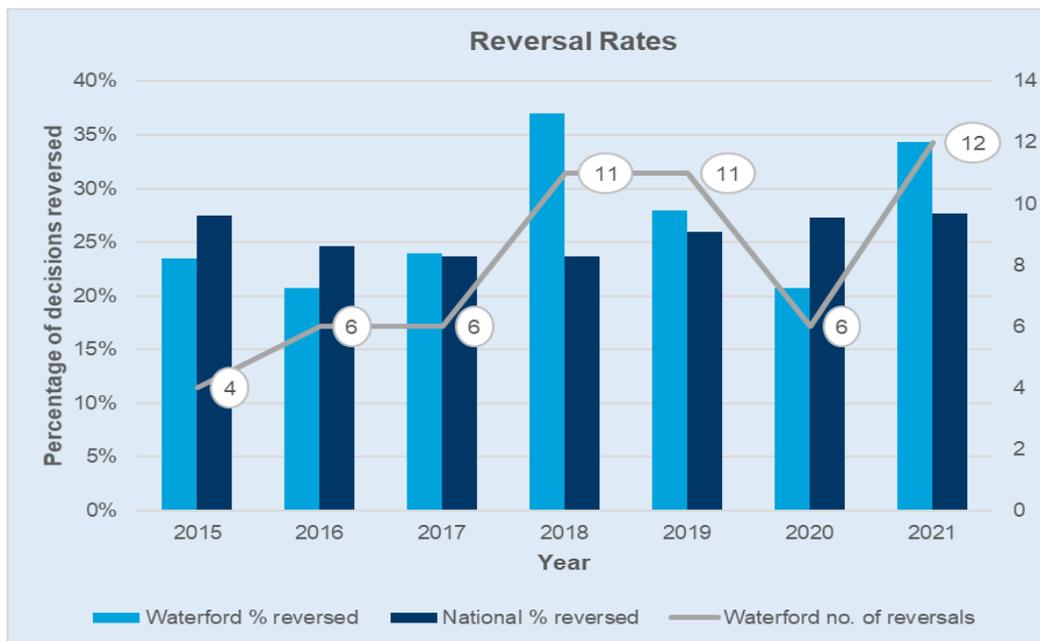


Figure 9: Reversal Rates 2015-2021¹⁵

Planning Conditions and Compliance

The OPR's Practice Note PN03¹⁶ addresses the issue of planning conditions, with the objective of promoting greater consistency, insofar as is practical, in the use of standard planning conditions, and to support authorities in devising their own manual of conditions.

The Practice Note contains information and guidance for authorities on how to draft standard planning conditions and the reasons for the attachment of conditions to a grant of planning permission. It also includes various appendices including:

- a practitioner's checklist for appraising planning conditions (Appendix A);
- a planning conditions compendium (Appendix B);
- a sample of a supplementary advice note that may be furnished with a final grant of permission to highlight other codes that may be relevant at the implementation stage (Appendix C); and,
- an overview of relevant case law (Appendix D).

The Council is advised to review OPR Practice Note PN03 with a view to compiling a new 'standard' set of planning conditions for the planning department.

As set out in Circular PL 21/2022, planning legislation now requires that authorities meet an eight-week deadline in relation to decisions on planning compliance submissions. In this regard, it is noted that the Council has a compliance procedure in place, which includes the management of submissions through a CRM system. The procedure requires that compliance submissions and chief executive orders are scanned and made publically available on the online planning file.

¹⁵ ibid

¹⁶ Office of the Planning Regulator, 'Planning Conditions', 'OPR Practice Note PN03, (October 2022). Sourced: <https://publications.opr.ie/view-planning-practice-file/Njk>

While the new procedure in relation to new compliance submissions appears robust, it was noted that, at the time the review process was being conducted, the Council had over 400 outstanding compliance submissions to respond to that predated the new arrangements. While the statutory target does not apply to submissions received prior to 17th December 2021, it is important that the Council would also prioritise the conclusion of these outstanding compliance submissions.

Environmental Assessment

The planning department does not have a specific operational procedure for processing of applications involving EIA and AA. They are processed in the same manner as all other planning applications and are assessed by planners and other technical staff with appropriate experience as necessary. The Council submitted two example planning reports, one refusal and one grant, to demonstrate how environmental assessment is carried out. The Council's website also provides details with respect to Planning Decisions accompanied by an Environment Impact Assessment Report (EIAR) since 2019.

The OPR published various practice notes which relate to planning matters and provide guidance for best practice across all local authorities.¹⁷

Practice Note PN01 focuses on 'Appropriate Assessment Screening for Development Management' and provides information and guidance on screening for appropriate assessment during the planning application process for practitioners, elected members and the public. This Practice Note also includes various appendices including:

- a template screening form (Appendix A);
- case studies (Appendix B);
- further reading material, including an overview of relevant case law (Appendix C); and
- European Sites & the Natura 2000 network (Appendix D).

Additionally, the OPR's Practice Note PN02 focuses on 'Environmental Impact Assessment Screening' and provides information and guidance on screening for Environmental Impact Assessment (EIA) by local authorities. It includes useful templates and addresses issues that commonly arise, including a template screening form.

The Council is advised to review, and familiarise staff with, the OPR practice notes, with a view to establishing formalised procedures / guidance in relation to this complex area of planning. Reference to the practice notes should also be included as part training for new planning department staff.

¹⁷ Office of the Planning Regulator, 'Planning Practice' (Access to the OPR's planning practice output, including all reports, case study papers, practice notes and practice applications, 2023). Sourced: <https://www.opr.ie/planning-practice/>

Section 5 Declarations

Section 5 declarations provide a mechanism for members of the public or organisations to get the view of their local authority as to whether or not a development is or is not exempted development, in other words development that can proceed without requiring a formal grant of planning permission, such as smaller domestic extensions, some signage etc.

A standard Section 5 Declaration application form is available through the Council's website that allows for the submission of relevant material. The Council has an area on its website relating to exempted developments that provides a link to the categories of exempted development as set out in the Regulations. A link to relevant planning leaflets regarding the main exemptions is also available on the website. The Council's website also contains an exempted development frequently asked questions section which also provides useful information to the public.

Where the local authority issues a declaration, the associated documents must be placed on the authority's website for inspection and be made available for inspection / purchase for at least a minimum period. The details of any declaration issued must also be entered into the register. The Council have confirmed that it is their intention to upload Section 5 Declarations to the website, as currently these details are not provided.

Section 247 Procedures

Section 247 pre-planning application consultations are an important service within the planning process, allowing the local authority to highlight the issues and considerations relating to a particular development to a prospective applicant. The OPR undertook research in relation to 'Pre-Application (s247) Consultation Services'.¹⁸ It outlines the characteristics of a good quality pre-application consultation system, which includes public accessibility, clarity of advice and efficient and effective use of resources.

The Council has an internal written procedure for setting up and processing pre-planning queries, including details with respect to closing pre-planning queries. The Council's website hosts pre-planning request forms. Requests for pre-planning consultations are recorded on a register and assigned to a specific case planner. Once the request has been registered it is given a unique reference number and is mapped on the planning authority's GIS.

Depending on the nature of the proposal, interactions with members of the public before planning applications are submitted are held over the phone, online and face-to-face. For example, pre-planning engagements are assigned half an hour time slots on Thursday mornings and afternoons for phonecalls with assigned planners.

Pre-planning consultations in relation to significant development proposals generally involve an official meeting between several departments, with a senior member of the planning department acting in the capacity of chair.

¹⁸ Office of the Planning Regulator, 'Planning Practice' (Access to the OPR's planning practice output, including all reports, case study papers, practice notes and practice applications, 2023). Sourced: <https://www.opr.ie/planning-performance/>

Waterford City & County Council’s procedure demonstrates that the Council have a robust pre-planning procedure in place, which includes:

- a dedicated webpage describing the pre-application process with a link to a pre-application request form;
- a case summary recorded by the planner in attendance, and shared with the applicant; and,
- the case summary is made public as part of the planning report, and is advised to be included by the applicant as part of the submission of the planning application.

Online Planning Services

The Council’s website is a useful resource providing information on the planning application process. It provides access to current and historic planning applications through the standard local authority iPlan platform. The website provides access to weekly lists and complies with expected standards in relation to making application documentation available.

Since 2020, authorities are required by regulation to upload planning application documentation onto their websites within five working days of receipt. Waterford City & County Council confirmed that, except in exceptional circumstances, this target is achieved.

Forms for planning applications, section 5 referrals, exemptions, etc. are available for download. The website also includes the OPR’s planning leaflets as a resource for members of the public and stakeholders.

The new national ePlanning system was rolled out to Waterford City & County Council in December 2022. An ePlanning team was established in the Council which included staff from planning (both administration and technical staff), IT and finance. Training sessions for staff were carried out with the LGMA. An information session was also provided for agents. All planning databases and data capture procedures were modified to integrate with ePlanning i.e. iPlan and iDocs. As ePlanning beds-in it will deliver greater efficiencies for both the Council and planning customers.

Event Licencing

The development management team is responsible for assessing applications for Event Licences. Details of the pre-application meeting process were submitted as part of the information request, and a copy of the Manager’s Order for the most recently granted event (i.e. All Together Now Festival 2023 and Spraoi 2023), are available on the Council’s website. The following events were granted for the three years prior to Covid-19 restrictions:

2017	2018	2019
St. Patricks Day	St. Patricks Day	St. Patricks Day
Spraoi	Spraoi	Spraoi
Waterford Harvest Festival	Waterford Harvest Festival	Waterford Harvest Festival
	All Together Now Festival	All Together Now Festival
	Winterval	Winterval

Table 6: Event Licences Granted 2017-2019

Section 254 Licences

The development management team is also responsible for the licencing of appliances, cables, signs, street furniture or other items to be placed on public roads. Section 254 Licence applications are registered and mapped in the same way as standard planning applications. All Section 254 applications are assessed by a planner, who prepares a report and recommendation to the Director of Services.

The progression of Section 254 Licence applications is monitored through the iPlan system and decisions are issued in all cases within an eight-week period. All Section 254 Licences granted are included on the planning weekly lists. Details with respect to licences and permits are available on the Council's website. The Council confirmed that it receives few objections / complaints in relation to Section 254 Licences.

Performance Rating and Recommendations

An analysis of the information supplied by the Council, as well as the performance outputs and wider analysis indicate that there are appropriate systems and procedures in place for most elements of development management. In this respect, this review found the Council to have **effective** procedures in place to facilitate consistent decision-making across the function.

Whilst the delivery of the function is considered effective, there is scope to achieve a higher rating through a number of general improvements

Recommendation 7 – General Development Management Improvements

This recommendation has four parts namely:

- a) Having regard to OPR Practice Note PN03, the Council should review its planning conditions with a view to compiling a new set of standard planning conditions.
- b) A work plan should be set out to finalise any outstanding pre-2022 planning compliance submissions.
- c) The Council should ensure that Section 5 Declarations are available through the Council's website.
- d) The Council should formalise its approach to EIA and AA into procedural documentation to ensure that staff have appropriate guidance on this complex area of planning.

Recommendation No.	Grading	Responsibility
7: General Development Management Improvements	Medium	Senior Planner

8. Enforcement

The Council has an enforcement procedures manual (updated in 2019), which provides guidance to staff on the various elements of the enforcement process and contains three principal components – process for undertaking ‘initial assessment’ of alleged unauthorised development, system for serving warning letters, enforcement notices and manager’s orders and procedure for instigating court action.

The Council’s enforcement information system was specifically designed for the planning department in order to facilitate the tracking and recording of all documents related to the management of unauthorised development complaints. The system is based on a database that provides search facilities and reporting capabilities, in addition to holding all scanned correspondence and notices issued. All warning letters and enforcement notices are mapped to the Council’s GIS system, creating the potential for a valuable management-information source.

Staffing

As outlined earlier in the report, Waterford City & County Council’s enforcement function is delivered by the same staff that are responsible for the Council’s development management function. These staff are organised into two teams, one for the metropolitan area and one for the wider county. The structure for each team is based on four planners, led by a senior executive planner under the overall supervision of the Senior Planner.

The Council clarified that a previous designated enforcement officer retired in 2021 and since then the enforcement function is carried out by the development management planners. While this model provides that the expertise of nine individual planners is available to support the function, it operates on the basis that these planners typically can dedicate approximately 10% of their time towards enforcement activities. Acknowledging that one planner position was also vacant at the time of the review, there is less than one planner (making the full time equivalent calculation) resourcing the practical inspection and follow-up aspects of the enforcement function. Furthermore, it can be the case that enforcement activities are vulnerable to being deprioritised in circumstances where development management workloads are high and must be delivered to timeframes that are statutorily driven.

Over six full-time-equivalent administrative positions are sanctioned to support the enforcement function, though as already noted two of these positions were vacant at the time of review. Some of these staff also support the development management function. A technician also supports the function though, again, divided between enforcement and development management duties.

The overall intended resourcing of the enforcement function is therefore just over eight FTE positions, however, given the vacancies that were being carried at the time of the review, this amounted to approximately six in practical effect. Given the further reality that most of the staff involved are also assigned other duties (and to a greater level of responsibility) the pursuit of enforcement activities by the planning department inevitably suffers from a lack of resources and the assignment of dedicated personnel to drive delivery.

Through the review process, the Council clarified that there are discrepancies with regard to the figures for Waterford included in NOAC’s reporting on local authority performance indicators. While this may have resulted in increased case numbers for some years, with other categories of cases being inadvertently included in the figures submitted, the 2021 NOAC report underreports the number of cases that are currently on-hand with the Council. In this regard, the reported figure of 106 appears to be the number of cases from 2021 that were still on-hand at year-end rather than representing the total number of cases on-hand, which would appear to be in excess of 500.

The confusion with regard to the ongoing accurate monitoring and reporting of output figures demonstrates the importance of having core responsibility assigned to dedicated official/s who can oversee and drive the coordination of enforcement activities.

Disregarding the figures associated with 2021 noted above, and recognising that other discrepancies may somewhat inflate the number of cases reported in some recent datasets, the NOAC figures, nevertheless, provide an important illustration of enforcement activity and outputs in recent years. This is illustrated in Figure 10 below.



Figure 10: Planning Enforcement Output 2015-2020¹⁹

The graph clearly indicates a significant year-on-year increase each year in relation to the overall enforcement caseload the Council is trying to manage. In essence, over the seven-year period, the Council’s on-hand caseload has increased from around 200 to over 500. Given that in the region of 100 cases are closed most years (noting 2015 and 2018 as exceptions) and around 160 cases are received, it will clearly require a significant effort to address what is on-hand as well as managing ongoing workloads.

¹⁹ NOAC, ‘Local Authority Performance Indicator Report 2015-2021’. Source: <https://www.noac.ie/publications/#:-:~:text=NOAC%20Publications&text=This%20includes%20local%20authority%20Satisfaction,ongoing%20basis%20against%20relevant%20indicators>

Figure 11 illustrates the percentage of cases closed by the Council over a seven-year period that were closed by (a) negotiation, (b) dismissing the case,²⁰ or (c) through enforcement proceedings. While the figures vary significantly from year to year, the volume of cases that are closed through proceedings is of note. The pursuit of proceedings represents a resource-intensive route to achieve case closure and in this regard is indicative of the enforcement workload in front of the Council.

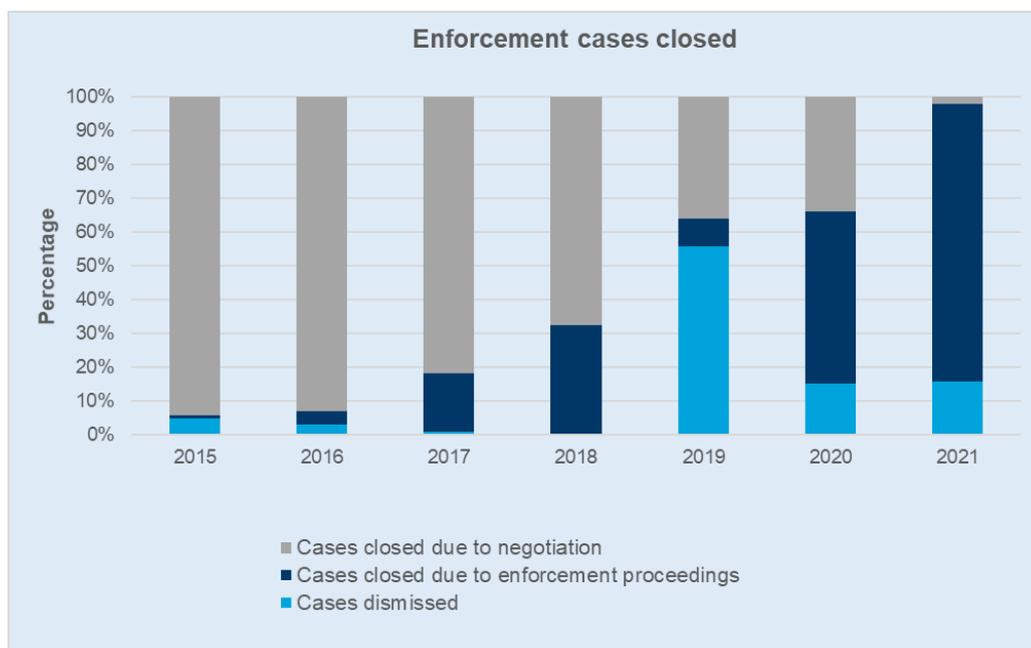


Figure 11: Enforcement cases closed 2015-2021²¹

A further monitoring limitation, which should be noted, is with regard to the number of site inspections being conducted. While this detail would be recorded in the narrative of the individual files, and documented on the system in that regard, there is no quantifiable data available recording the number of site visits in recent years.

Quarries

There are approximately 51 quarries within Waterford County. Upon the commencement of the amended Section 261 statutory legislation in April 2004, 18 quarries applied for registration.

Section 261A came into effect on 15th July 2011 and required each authority to complete a survey of every quarry within its functional area and to identify which quarries should have been subject to EIA or screening for EIA or AA and whether this had actually been carried out. Statutory guidelines, under section 28 of the Act, have been in place since 2012. A total of 33 sites were registered under section 261A of the Act in County Waterford.

²⁰ Dismissed as trivial, minor or without foundation or closed because statute barred or an exempted development.

²¹ *ibid*

The Council's process for identifying unauthorised quarry development is in accordance with relevant legislation. The Council has an effective understanding of the legislative and regulatory framework around the control of quarries under the Act, and has systems and procedures in place to act on them. Fifteen enforcement notices have been served with respect to quarries and there is one legacy case outstanding.

Short term lettings

There are two areas in Waterford designated as Rent Pressure Zones (Waterford City East and Waterford City South) to which the short-term letting enforcement provisions apply. As a result, there are very few complaints or queries with respect to short-term lets. Nevertheless, the Council has a dedicated webpage in place with links to maps, forms and FAQs.

The Council confirmed that a review was undertaken of all those advertising their properties for short-term letting and warning letters were issued. Only two follow up enforcement notices were required and ultimately the cases were resolved in a few months.

Performance rating and recommendations

Because of the limited resourcing available to the planning department, a significant and increasing caseload is before the Council for resolution. Given the current constraints, there will be **some improvement needed** to adequately coordinate action to address the volume of cases and to monitor and report on these activities appropriately.

It is considered that, while additional overall resources will be required to make adequate progress in relation to the caseload volume, a key factor will be the assignment of specifically dedicated personnel to drive delivery of the enforcement function, including the coordination and oversight of activity, setting targets and monitoring and reporting on progress.

Recommendation 8 – Planning Enforcement Work Programme

As set out in Recommendation 1, the Council needs to consider securing additional resources for the planning department, including dedicated personnel, to drive the delivery of the planning enforcement work programme. A renewed drive to address caseload should include a commitment to enhance monitoring and reporting of activity – over the next 24 months. In addition, comprehensive enforcement monitoring reports should be prepared for the elected members on a six monthly basis.

Recommendation No. 8	Grading	Responsibility
8: Planning Enforcement Work Programme	High	Director of Service

9. Other Planning Related Functions

9.1 Part 8 / Local Authority Own Development

The Council prepared a revised and updated procedural manual for Part 8 applications in September 2021. The Part 8 process was reviewed in consultation with all internal departments. The procedure covers the following stages of Part 8 development:

1. introduction;
2. local authority works to which Part 8 applies;
3. local authority works to which Part 8 does not apply;
4. pre-Part 8 procedure;
5. formal commencement of the Part 8 process;
6. procedure following public consultation; and,
7. implementation.

In addition, appendix 1 to the manual above includes procedural guidance and details of the statutory timelines, appendix 2 includes details of the public notice requirements, and appendix 3 includes requirements for the chief executive's report and members' resolution.

The Council's website provides a list of the current Part 8 projects open for public consultation. The website also provides details of Part 8 consultations since 2016.

Public consultation is a core element of the Part 8 process. In this regard, public notices must be in a prescribed format to comply with the requirements of the Regulations. Article 81 of the Regulations requires a local authority to indicate its conclusion in relation to EIA screening, while Article 120 provides that any person may apply to An Bord Pleanála for a screening determination in relation to a Part 8 proposal. From an analysis of randomly selected Part 8 projects on the Council's website, it is noted that the Council provides this detail in published site notices.



Viking Triangle

Article 120 also requires authorities to undertake an EIA screening of subthreshold development as part of any Part 8 procedure, while Article 250 requires the undertaking of an AA screening. Again, from analysis of Part 8 projects on the Council’s website, it appears that screenings are being undertaken in accordance with the requirements.

The Council clarified that the same procedures apply to proposals that must be submitted to An Bord Pleanála, under section 177AE of the Act, as apply to standard Part 8 projects. However, the Council also confirmed that there is no formal post-completion checking process currently in place in relation to local authority projects approved by An Bord Pleanála to ensure that any conditions have been complied with appropriately.

Performance Rating and Recommendations

Having regard to the documentation submitted and analysis conducted, the Council’s procedures for the delivery of Part 8 / local authority own-development proposals appear to be robust, therefore this review finds that the Council’s function is being delivered on an **effective** basis.

A higher rating would be achievable if the Council strengthened its procedures manual further by the inclusion of a post-completion checking procedure to ensure compliance with any conditions associated with proposals approved by An Bord Pleanála.

Accordingly, the following recommendation is made in relation to this operational process.

Recommendation 9 – Compliance Checking of Local Authority Own-development Projects.

The Council should ensure post-completion checking of local authority projects that have been approved by An Bord Pleanála in accordance with section 177AE of the Act.

These local authority projects require either AA / EIA, and as such are submitted to An Bord Pleanála. In cases where An Bord Pleanála grant permission for developments of this nature, the Council should implement a checking system to ensure that the development is carried out in accordance with the decision as set out by An Bord Pleanála.

Recommendation No.	Grading	Responsibility
9: Compliance Checking of Local Authority Own-development Projects	Low	Senior Planner

9.2 Taking-in-Charge

The Council prepared a taking-in-charge policy in 2008. It is intended to update the policy and other departments / sections will be consulted in this regard. When taking-in-charge requests are being processed, the relevant senior executive planner liaises with other sections within the Council to ensure those sections carry out site inspections relative to their section, for example, the roads section will carry out the traffic or road inspection rather than the planning team.

At the time the City and County Councils were merged in 2014, there were four staff working in a dedicated taking-in-charge unit. The Council have confirmed that presently there are no dedicated resources to oversee this function and all taking-in-charge applications are now dealt with through the development management teams. The ability of the Council to deliver this function, at the same level as when the dedicated unit was in place in 2014, is challenging given the volume of other work already being handled by the development management team.

Under the national taking-in-charge initiative, a survey was carried out in 2015 to collate data regarding the taking-in-charge of estates across the country.²² The survey identified 100 estates in County Waterford to be taken-in-charge, with 35 of those undergoing the taking-in-charge process. The Council has confirmed that 17 privately developed estates were taken in charge since the 2015 National Taking in Charge Initiative.

The Council maintains a register of multi-unit housing developments or housing estates and publishes that list on its website. The register lists all estates other than those delivered as local authority developments, given that these developments will automatically be the Council's responsibility to manage.

There are 318 residential developments on this register as listed on the Council's website; 228 of these are in the charge of Waterford City & County Council. However, with regard to the developments that have not been taken-in-charge, the online register does not provide detail as to whether these are completed developments, or if they are completed and in the process of being taken-in-charge, or if they have not yet been considered.

As per the Council's website, there are currently 50 developments going through the taking-in-charge process. The Council has confirmed that over the past three years, the average time taken from receipt of the taking in charge request to conclusion of the taking in charge process has been approximately eighteen months.

Bonds and securities are required to ensure the satisfactory completion of necessary services (including roads, footpaths, lighting and open space) in the event of a default by the developer. Security is by way of a financial deposit, or a bond of an insurance company, or other security agreed by the Council. Currently, the Council has a total value of live securities for the satisfactory completion of residential developments of €2.58m.

²² Department of Housing, Planning and Local Government 'National Taking in Charge Initiative Report', (December, 2018).

These securities are tracked and managed through the Bond Control Account and are the responsibility of the development management planning administrative section. The Council has clear procedures in place to ensure bonds are submitted and tracked accordingly, as follows:

- procedure manual in place;
- the account is controlled i.e. money in and money out;
- record is kept on planning file(s);
- there is a weekly check; and,
- that when a commencement notice is received the Bond is put in place, and is crosschecked.

Performance Rating and Recommendations

While the systems and procedures for its taking-in-charge function are considered **effective**, the limited resourcing provided for in recent years is of concern and has the potential to affect the Council’s ability to continue delivering this important function successfully.

An improved information management system that would allow for greater monitoring and analysis of data relating to housing developments and the taking-in-charge process should be a priority for the planning department and would provide the potential to offer an integrated, publicly available GIS database of the status of developments.

An updated taking-in-charge policy should include standards and procedures for applicants, a sample application form, a useful application guide for residents and an example set of certifications required for engineering, planning compliance and landscaping. The resourcing pressures and competing priorities are noted throughout the report and accordingly the implementation of the actions suggested in the recommendation below will be contingent on adequate resources being made available to the planning department in general.

Recommendation 10 - Assignment of Resources for Taking-in-Charge

The Council should consider the resourcing of a dedicated role within the planning department to lead on the taking-in-charge process and update policies and procedures. With dedicated resources in place, comprehensive data on housing developments should be collated with the purpose of building an integrated, publically available, GIS-based system. Utilising this data, over the next 12-24 months, the Council should implement a plan for the phased taking-in-charge of remaining housing developments.

Recommendation No.	Grading	Responsibility
10: Assignment of Resources for Taking-in-Charge	Medium	Director of Service

Appendix 1: List of Recommendations

Recommendations are graded as follows, based on the level of priority that the Council should assign them:

- **Critical:** immediate implementation of the recommendation is required to resolve a critical weakness which may be impacting the delivery of statutory functions.
- **High:** the recommendation should be addressed urgently to ensure that the identified weakness does not lead to a failure to deliver on statutory requirements.
- **Medium:** the recommendation should be considered in the short-term with a view to enhancing the effectiveness of service delivery.
- **Low:** the recommendation relates to an improvement which would address a minor weakness and should be addressed over time.
- **Advisory:** the recommendation does not have a serious impact for internal systems and procedures but could have a moderate impact on operational performance. On this basis, the recommendation should be considered for implementation on a self-assessed basis.

Recommendation No.	Description	Grading	Responsibility
1: Internal Evaluation of the Planning Department.	<p>An internal evaluation report should be prepared in respect of the planning department's strategic resourcing needs. The report should be prepared within the next six months and presented to the senior management of the Council for priority consideration.</p> <p>The report should clearly quantify the existing development management and planning enforcement demand's on the department's resource capacity. The report should also highlight the emerging demands associated with the strategic delivery of the Council's forward planning function.</p> <p>The specific risks to service delivery in respect of particular functions should be risk assessed. Finally, the report should identify positions sought, including which positions are considered a priority.</p>	High	Director of Services

2: Forward Planning Programme.	<p>Recognising the significant expectations upon, and currently limited resources available to, the forward planning function, the Council should identify and commit to a practical programme of outputs of the many subsidiary strategies and initiatives required to be delivered over the period of the Development Plan.</p> <p>This programme should provide for annual reporting on specific development plan objectives that require follow-on steps and strategies as well as a timeline for the preparation and delivery of the local area plans identified in the Plan. The programme should also identify requirements in relation to coordination with neighbouring authorities, including in relation to the amenity strategy. The programme should be agreed by senior management of the Council with an implicit recognition of the resourcing requirements that will be necessary to deliver it.</p>	High	Director of Service
3: Procedures Manual.	<p>The Council should start the process of updating and documenting operating procedures for both county / city and local area plan-making. Procedures in relation to all aspects of the process, both technical and operational, should be set out in clear, step-by-step terminology. This would include processes, timelines and responsibilities in relation to, for example; data collection requirements, analysis, drafting, consultation phases, reporting, environmental assessment, publication and adoption of statutory plans, as well as the variation / amendment process.</p> <p>The focus should be on working out procedures derived from the practical application of the requirements of the legislation, statutory guidance and good professional and operational practice. Other local authorities reviewed have developed such procedures, which compiled and updated over time, provide an effective manual to guide staff, in particular new staff, with regard to the essential elements of the plan-making process. The role of the various technical and administrative team members should also be outlined in the manual, to ensure appropriate project /management structures are in place.</p>	Low	Senior Planner
4: Architectural Heritage Management Plan / Protocol.	<p>Over the next 12 months, the planning department should prepare an internal management plan in relation to the protection of architectural heritage function. This will include proposed scheduling, over the lifetime of the current development plan, for the preparation of proposed ACAs and phasing of updates to the RPS as well as detailing the required inputs and administrative dependencies for the management and oversight of conservation grant schemes and proactive engagement with owners / occupiers of protected structures.</p>	Medium	Senior Planner

To ensure the most effective use of the available expertise, the plan should identify elements of procedure associated with the Conservation / Heritage Officers roles that could be assisted or delivered through the wider support of the planning department.

This internal plan should also set out a protocol for internal referrals to the Conservation / Heritage Officers in relation to development matters across Council departments that might have an impact on built / natural heritage or archaeology.

This plan and protocol should be developed by the Conservation / Heritage Officers in the first instance for the attention and approval of the Senior Planner, prior to the protocol elements being circulated more widely within the Council.

5: Coordination of Activation Projects.

Consideration should be given within the next 12 months towards creating dedicated resources within the planning department to develop, coordinate and monitor the delivery of site / land activation projects. This work should include the integration and enhancement of the information management systems available in relation to sites, occupancy, infrastructure, zoning, etc. and providing analysis to inform reporting and policy development.

Medium

Director of Services

6: Collection of Levies.

With the Residential Zoned Land Tax becoming payable next year, it is important that the Council ensures a robust procedure is in place for the implementation of the various site activation initiative it is responsible for. This procedure should include appropriate consideration with regard to uncollected levies from previous years under the Vacant Sites and Derelict Sites Levies.

Medium

Director of Services

7: General Development Management Improvements.

This recommendation has four parts namely:

- (a) Having regard to OPR Practice Note PN03, the Council should review its planning conditions with a view to compiling a new set of standard planning conditions.
- (b) A work plan should be set out to finalise any outstanding pre-2022 planning compliance submissions.
- (c) The Council should ensure that Section 5 Declarations are available through the Council's website.
- (d) The Council should formalise its approach to EIA and AA into procedural documentation to ensure that staff have appropriate guidance on this complex area of planning.

Medium

Senior Planner

8: Planning Enforcement Work Programme.	As set out in Recommendation 1, the Council needs to consider securing additional resources for the planning department, including dedicated personnel, to drive the delivery of the planning enforcement work programme. A renewed drive to address caseload should include a commitment to enhance monitoring and reporting of activity – over the next 24 months. In addition, comprehensive enforcement monitoring reports should be prepared for the elected members on a six monthly basis.	High	Director of Services
9: Compliance Checking of Local Authority Own-development Projects.	<p>The Council should ensure post-completion checking of local authority projects that have been approved by An Bord Pleanála in accordance with section 177AE of the Act.</p> <p>These local authority projects require either AA / EIA, and as such are submitted to An Bord Pleanála. In cases where An Bord Pleanála grant permission for developments of this nature, the Council should implement a checking system to ensure that the development is carried out in accordance with the decision as set out by An Bord Pleanála.</p>	Low	Senior Planner
10: Assignment of Resources for Taking-in-Charge.	The Council should consider the resourcing of a dedicated role within the planning department to lead on the taking-in-charge process and update policies and procedures. With dedicated resources in place, comprehensive data on housing developments should be collated with the purpose of building and integrated, publically available, GIS-based system. Utilising this data, over the next 12-24 months, the Council should implement a plan for the phased taking-in-charge of remaining housing developments.	Medium	Director of Services



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator